

**In The Matter Of:**

**PLAINTIFFS  
EXHIBIT**

*Janice McCollum v.  
Amtren*

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*Janice McCollum  
October 25, 2006*

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*Jennifer Davis, CSR*

Original File MCCOLLUM.v1, Pages 1-194

**Word Index included with this Min-U-Script®**

Janice McCollum v.  
Amtren

Janice McCollum  
October 25, 2006

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[1] IN THE UNITED STATES DISTRICT COURT  
[2] FOR THE MIDDLE DISTRICT OF ALABAMA  
[3] NORTHERN DIVISION

[5] CASE NUMBER  
[6] 05-cv-0325-W  
[7] (JURY DEMAND)

[9] JANICE MCCOLLUM,  
[10] Plaintiff,  
[11] vs.  
[12] AMTREN, INC.,  
[13] Defendant.

[16] DEPOSITION TESTIMONY OF:  
[17] JANICE MCCOLLUM

[19] October 25, 2006  
[20] 9:00 a.m.

[22] COURT REPORTER:  
[23] JENNIFER DAVIS, CSR

Jennifer Davis, CSR  
334-612-9967

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[1] S T I P U L A T I O N  
[2] IT IS STIPULATED AND AGREED by and  
[3] between the parties through their respective  
[4] counsel that the deposition of JANICE  
[5] MCCOLLUM, may be taken before Jennifer  
[6] Davis, Certified Shorthand Reporter and  
[7] Notary Public, State at Large, at the  
[8] offices of Staten & O'Connor, 105 Tallapoosa  
[9] Street, Montgomery, Alabama, on October 25,  
[10] 2006, commencing at approximately 9:00 a.m.

[11] IT IS FURTHER STIPULATED AND AGREED  
[12] that the signature to and the reading of the  
[13] deposition by the witness is hereby waived,  
[14] the deposition to have the same force and  
[15] effect as if full compliance had been had  
[16] with all laws and rules of Court relating to  
[17] the taking of depositions.

[18] IT IS FURTHER STIPULATED AND AGREED  
[19] that it shall not be necessary for any  
[20] objections to be made by counsel to any  
[21] questions, except as to form or leading  
[22] questions, and that counsel for the parties  
[23] may make objections and assign grounds at

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[1] the time of trial or at the time said  
[2] deposition is offered in evidence, or prior  
[3] thereto.

[5] I N D E X  
[6] EXAMINATION BY: PAGE NO.  
[7] MR. TRAWICK 6-193  
[8] CERTIFICATE 194

[10] INDEX OF EXHIBITS  
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[13] DX 2 - notice of deposition 9  
[14] DX 3 - 3/30/05 letter 73  
[15] DX 4 - charge of discrimination 90  
[16] DX 5 - IRS document 117  
[17] DX 6 - IRS document 127  
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A P P E A R A N C E S

FOR THE PLAINTIFF:

JIMMY D. JACOBS, ESQUIRE  
Attorney at Law  
143 Eastern Boulevard  
Montgomery, Alabama 36117

FOR THE DEFENDANT:

G.R. "RICK" TRAWICK, ESQUIRE  
Slaten & O'Connor  
Winter Leeb Building  
105 Tallapoosa Street  
Suite 101  
Montgomery, Alabama 36104

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334-612-9967

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I, Jennifer Davis, a Certified  
Shorthand Reporter of Millbrook, Alabama,  
and a Notary Public for the State of Alabama  
at Large, acting as Commissioner, certify  
that on this date, pursuant to the Federal  
Rules of Civil Procedure, and the foregoing  
stipulation of counsel, there came before me  
at the offices of Slaten & O'Connor, 105  
Tallapoosa Street, Montgomery, Alabama,  
commencing at approximately 9:00 a.m. on  
October 25, 2006, JANICE McCOLLUM, witness  
in the above cause, for oral examination,  
whereupon the following proceedings were  
had:

JANICE McCOLLUM,  
having first been duly sworn, was examined  
and testified as follows:

EXAMINATION

BY MR. TRAWICK:

Q. State your name for the record,  
please.

A. Janice McCollum.

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Q. Ms. McCollum, my name is Rick  
Trawick. I represent Amtren in the lawsuit  
that you filed against that corporation, and  
I will be asking you some questions today.  
If you do not understand one of my  
questions, let me know, and I will attempt  
to rephrase that question. If I ask you a  
question and you answer the question, is it  
fair to assume that you understood the  
question?

A. That would be fair.

Q. Is there any reason that you  
cannot truthfully and completely answer my  
questions today?

A. Not that I am aware of.

Q. You're not taking any medication  
or anything today that would hinder your  
ability to answer my questions; is that  
correct?

A. Not that I'm aware of that would  
hinder my abilities.

MR. TRAWICK: Jimmy, you told me  
that you would give me a signed copy of your

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Interrogatories.

MR. JACOBS: The only copy that  
I have with me is the one that we sent. I  
can get that signed if we can make another  
copy of it, or if you have a copy, we will  
have her sign it.

MR. TRAWICK: I have a copy.  
Let me mark this as Defendant's Exhibit 1.  
It is pages one through six of the  
plaintiff's response to defendant's  
interrogatories.

(Whereupon, a document was  
marked as Defendant's Exhibit 1 and is  
attached to the original transcript.)

MR. TRAWICK: Is that document a  
complete copy of the plaintiff's response to  
defendant's interrogatories?

MR. JACOBS: It appears to be to  
me, except that she needs to sign.

Q. (By Mr. Trawick) Have you had  
an opportunity to review those responses,  
Ms. McCollum?

A. Yes.

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[1] Q. If you will go ahead and sign  
[2] those.  
[3] A. (Witness complies.)  
[4] MR. TRAWICK: Let's have this  
[5] document marked as Defendant's Exhibit 2.  
[6] (Whereupon, a document was  
[7] marked as Defendant's Exhibit 2 and is  
[8] attached to the original transcript.)  
[9] Q. (By Mr. Trawick) Ms. McCollum,  
[10] let me show you what has been marked as  
[11] Defendant's Exhibit 2, which is a copy of  
[12] the notice of deposition that I provided to  
[13] your lawyer in this case. Have you seen a  
[14] copy of that document?  
[15] A. Yes.  
[16] Q. This notice of deposition  
[17] requests that you produce certain documents  
[18] at this deposition, and essentially those  
[19] documents are any documents pertaining to  
[20] the allegations made in your lawsuit against  
[21] the defendant in this case, and/or any  
[22] documents pertaining to former employers or  
[23] current employers. Your lawyer has

[1] A. 790 Red Eagle Road, Prattville,  
[2] Alabama, 36067.  
[3] Q. Are you married?  
[4] A. Yes.  
[5] Q. What is your husband's name?  
[6] A. John McCollum.  
[7] Q. I assume he lives with you; is  
[8] that correct?  
[9] A. Yes.  
[10] Q. Do you have any children?  
[11] A. Yes.  
[12] Q. Tell me their names and ages.  
[13] A. Christina Lane, 17.  
[14] Q. Does she live with you?  
[15] A. Yes.  
[16] Q. L-A-N-E?  
[17] A. Yes.  
[18] Q. Any other children?  
[19] A. Are you -- what's your  
[20] definition of children? That live with me?  
[21] Q. If you have any children, I  
[22] would like to know their names and their  
[23] ages.

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[1] provided, in response to the defendant's  
[2] request for production of documents, certain  
[3] documents. Unfortunately, those documents  
[4] are not numbered, so I can't tell you how  
[5] many pages that he has produced. Do you  
[6] have any additional documents to produce  
[7] today?  
[8] A. Not that I'm aware of.  
[9] Q. You would know which documents  
[10] you have in your possession; is that  
[11] correct?  
[12] A. Okay. No.  
[13] Q. No, you would not know which  
[14] documents you have in your possession?  
[15] A. Ask the question again.  
[16] Q. Do you have additional documents  
[17] pertaining to the allegations of the lawsuit  
[18] against the defendant in this case, other  
[19] than the documents that have been previously  
[20] produced?  
[21] A. No.  
[22] Q. Tell the Court where you  
[23] currently live.

[1] A. Okay. That's my only child.  
[2] Q. Do you have any stepchildren?  
[3] A. Yes.  
[4] Q. Tell me their names.  
[5] A. Brian McCollum.  
[6] Q. How old is Brian?  
[7] A. 25, I believe.  
[8] Q. Where does Brian live?  
[9] A. In Montgomery. Stephanie and  
[10] Brittany McCollum, 21.  
[11] Q. Are they twins?  
[12] A. Yes.  
[13] Q. Where do they live?  
[14] A. Montgomery.  
[15] Q. Any other stepchildren?  
[16] A. No.  
[17] Q. Does John's ex-wife live in  
[18] Montgomery?  
[19] A. Yes.  
[20] Q. What is her name?  
[21] A. Dixie McCollum.  
[22] Q. Is she remarried?  
[23] A. Yes.

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[1] Q. Do you know her husband's name?  
[2] A. Bill, I believe, Moore.  
[3] Q. Does he live in Montgomery?  
[4] A. Yes.  
[5] Q. Does Brian live with his mother?  
[6] A. No.  
[7] Q. Do Stephanie and Brittany live  
[8] with their mother?  
[9] A. Yes.  
[10] Q. Do you know if Brian is  
[11] employed?  
[12] A. Yes.  
[13] Q. Do you know where he works?  
[14] A. Yes.  
[15] Q. Where?  
[16] A. Turner Supply.  
[17] Q. Do you know if Stephanie  
[18] McCollum is employed?  
[19] A. Yes.  
[20] Q. Where does she work?  
[21] A. Allant Bank.  
[22] Q. Do you know if Brittany McCollum  
[23] is employed?

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[1] A. Yes.  
[2] Q. Where?  
[3] A. Do not know.  
[4] Q. Where is your husband, John  
[5] McCollum, employed?  
[6] A. Turner Supply.  
[7] Q. What is his position there?  
[8] A. Branch manager.  
[9] Q. Is Christina employed?  
[10] A. Yes.  
[11] Q. Where does she work?  
[12] A. Webb Eye Care.  
[13] Q. Has she graduated from high  
[14] school?  
[15] A. No.  
[16] Q. Where does she go to high  
[17] school?  
[18] A. Prattville High School.  
[19] Q. Do you have any additional  
[20] relatives living in Alabama?  
[21] A. Mother, Kim Saffold.  
[22] Q. Spell the last name.  
[23] A. S-A-F-F-O-L-D.

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[1] Q. S-A-F?  
[2] A. F-O-L-D.  
[3] Q. Where does she live?  
[4] A. Jackson's Gap, Alabama.  
[5] Q. Any other relatives?  
[6] A. Kim Hines.  
[7] Q. Spell the last name.  
[8] A. H-I-N-E-S. Jackson's Gap.  
[9] Q. Kim --  
[10] A. Mother is Saffold.  
[11] Q. And Hines?  
[12] A. Sister. Sally Joines.  
[13] Q. Again, spell the last name,  
[14] please.  
[15] A. J-O-I-N-E-S. Sister.  
[16] Q. Where does she live?  
[17] A. Prattville.  
[18] Q. Is she married?  
[19] A. Yes.  
[20] Q. What is her husband's name?  
[21] A. Bob Joines.  
[22] Q. Is Sally Joines employed?  
[23] A. Yes.

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[1] Q. Where?  
[2] A. Wal-Mart.  
[3] Q. In Prattville?  
[4] A. Yes.  
[5] Q. Is Bob Joines employed?  
[6] A. Yes.  
[7] Q. Where?  
[8] A. Wal-Mart.  
[9] Q. In Prattville?  
[10] A. Yes.  
[11] Q. Any other relatives?  
[12] A. No.  
[13] Q. No cousins, no aunts, no uncles?  
[14] A. Not in Alabama.  
[15] Q. This question is limited to  
[16] Alabama.  
[17] A. Okay.  
[18] Q. Are you currently employed?  
[19] A. Yes.  
[20] Q. Where are you employed?  
[21] A. Southeast Wood.  
[22] Q. What is that? What kind of  
[23] company is it?

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[1] A. It's a manufacturer -- treated  
[2] lumber company. Manufacturer of treated  
[3] lumber.

[4] Q. Does it sell lumber to the  
[5] general public or to wholesalers?

[6] A. It sells its treated lumber --  
[7] it has no sales. It actually has no sales.  
[8] It uses a contract with GP, Georgia Pacific,  
[9] to treat their lumber. They don't own any  
[10] inventory.

[11] Q. What is your position there?

[12] A. Accountant.

[13] Q. How long have you worked at  
[14] Southeast Wood?

[15] A. For approximately a year and a  
[16] half.

[17] Q. What is your salary?

[18] A. 63,000.

[19] Q. Since starting employment with  
[20] Southeast Wood, have you received any  
[21] raises?

[22] A. Yes.

[23] Q. What was your starting salary

[1] Q. Yes.

[2] A. Yes, I did.

[3] Q. Tell me the steps you followed  
[4] in seeking employment after you left  
[5] Amtren.

[6] A. I applied to positions that I  
[7] saw in the Montgomery Advertiser.

[8] Q. Which positions were those?

[9] A. I don't recall them all.

[10] Q. Do you recall any of them?

[11] A. They were accounting positions.

[12] Q. Do you recall the names of any  
[13] of the companies where you completed an  
[14] application for a position?

[15] A. No.

[16] Q. Did you do anything else?

[17] A. I went to several websites,  
[18] Career Builder, Monster, looking for work;  
[19] told friends and neighbors that I was  
[20] looking for work.

[21] Q. Did you go to any employment  
[22] agencies?

[23] A. I don't recall.

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[1] with Southeast?

[2] A. 60,000.

[3] Q. When did you receive a raise?

[4] A. I received one, I believe it  
[5] was, October 2005. And I received another  
[6] one, October 2006.

[7] Q. What was your salary in October  
[8] 2005 after the raise?

[9] A. 60,900.

[10] Q. And what was your salary in  
[11] October 2006 after the raise?

[12] A. 63,000.

[13] Q. Did you work anywhere between  
[14] the time that you were terminated from  
[15] Amtren and you began your employment at  
[16] Southeast Wood?

[17] A. No.

[18] Q. Did you look for a job?

[19] A. What time period are you  
[20] speaking of?

[21] Q. The time when you were  
[22] unemployed.

[23] A. Did I look for a job?

[1] Q. Do you have any documents which  
[2] would help refresh your recollection as to  
[3] whether or not you contacted any employment  
[4] agencies?

[5] A. Not that I recall.

[6] Q. Did you do any other thing or  
[7] take any additional steps to find employment  
[8] after you left Amtren before you started  
[9] working at Southeast Wood?

[10] A. Not that I can think of.

[11] Q. Did you collect unemployment  
[12] during that period of time?

[13] A. Yes.

[14] Q. How much unemployment did you  
[15] collect?

[16] A. I don't recall the exact number  
[17] of weeks. It must have been probably three  
[18] to six or seven, but I don't recall exactly.

[19] Q. Do you recall the amount of the  
[20] unemployment compensation?

[21] A. Not exactly, no.

[22] Q. Give me your best estimate,  
[23] then.



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[1] A. Two hundred dollars.  
 [2] Q. Weekly?  
 [3] A. Weekly, estimated.  
 [4] Q. Do you have any documents that  
 [5] indicate how much unemployment compensation  
 [6] you received?  
 [7] A. Probably so in a tax file.  
 [8] MR. TRAWICK: Can we get a copy  
 [9] of that?  
 [10] MR. JACOBS: I'm going to object  
 [11] to relevance, but I think we can provide  
 [12] that to you. Unemployment is not countable  
 [13] in mitigation.  
 [14] MR. TRAWICK: That's an issue we  
 [15] will address later. I'm just asking if you  
 [16] will provide what she received.  
 [17] Q. (By Mr. Trawick) Tell me your  
 [18] post high school education.  
 [19] A. I have a BS, BA from Auburn  
 [20] University at Montgomery.  
 [21] Q. When did you receive that  
 [22] degree?  
 [23] A. 1996.

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[1] Q. Did you have a major other than  
 [2] business?  
 [3] A. Accounting.  
 [4] Q. Are you a certified public  
 [5] accountant?  
 [6] A. No.  
 [7] Q. Where did you work prior to  
 [8] starting with Amtren?  
 [9] A. Thermalex.  
 [10] Q. Can you spell that for me?  
 [11] A. T-H-E-R-M-A-L-E-X.  
 [12] Q. What kind of company is that?  
 [13] A. It's a manufacturer of aluminum  
 [14] extrusions.  
 [15] Q. Here in Montgomery?  
 [16] A. Yes.  
 [17] Q. Did you start with that company  
 [18] after you received your degree in accounting  
 [19] from AUM?  
 [20] A. No.  
 [21] Q. Did you start before?  
 [22] A. I'm sorry. Did I start after?  
 [23] Q. After you received your degree

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[1] from Auburn in Montgomery?  
 [2] A. Yes.  
 [3] Q. What was your position with that  
 [4] company?  
 [5] A. I was the cost accounting  
 [6] manager.  
 [7] Q. I forgot to ask you this. Tell  
 [8] me your supervisor at Southeast Wood.  
 [9] A. Donald King.  
 [10] Q. What's Donald King's position?  
 [11] A. Controller.  
 [12] Q. Who was your supervisor at  
 [13] Thermalex?  
 [14] A. Diane Headley. It's Diane  
 [15] Phillips now.  
 [16] Q. Diane Headley Phillips?  
 [17] A. It's Diane Phillips now. It was  
 [18] Diane Headley at that time.  
 [19] Q. I assume she got a divorce.  
 [20] A. Married.  
 [21] Q. What was her position?  
 [22] A. CFO.  
 [23] Q. So the record is clear, what

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[1] does CFO stand for?  
 [2] A. Chief financial officer.  
 [3] Q. Why did you leave Thermalex?  
 [4] A. They were going through a  
 [5] downsizing, and their staffing had been  
 [6] greatly reduced.  
 [7] Q. Were you laid off?  
 [8] A. No.  
 [9] Q. You voluntarily left?  
 [10] A. Yes, I did.  
 [11] Q. Why did you leave? Was there a  
 [12] reason that you voluntarily left prior to  
 [13] being laid off?  
 [14] MR. JACOBS: Object to the form.  
 [15] Q. Do you understand the question?  
 [16] A. Ask it again.  
 [17] Q. Is there a reason that you  
 [18] voluntarily left Thermalex prior to being  
 [19] laid off?  
 [20] A. I was not laid off.  
 [21] Q. I understand that.  
 [22] A. Okay.  
 [23] Q. You said you voluntarily left.

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[1] A. Correct.  
 [2] Q. Why did you voluntarily leave  
 [3] Thermalex?  
 [4] A. Because I thought I might be  
 [5] laid off.  
 [6] Q. Did you have another position to  
 [7] go to?  
 [8] A. Yes.  
 [9] Q. Which one?  
 [10] A. Amtren.  
 [11] Q. Had you accepted a position with  
 [12] Amtren before you resigned from Thermalex?  
 [13] A. I did.  
 [14] Q. Tell me about how you learned  
 [15] about the position at Amtren.  
 [16] A. Newspaper ad.  
 [17] Q. What process did you go through  
 [18] to apply for this job?  
 [19] A. I sent a resume.  
 [20] Q. To whom?  
 [21] A. To Amtren.  
 [22] Q. Do you recall any particular  
 [23] person, or was it just addressed to the

[1] receive the position?  
 [2] Q. Yes.  
 [3] A. Okay. Contacted me to set up a  
 [4] telephone interview. I went through a  
 [5] telephone interview with him, and then I  
 [6] went through a formal interview with him. I  
 [7] don't recall how much time it took exactly  
 [8] before he called me and offered me the  
 [9] position.  
 [10] Q. Did you interview with anyone  
 [11] else at Amtren?  
 [12] A. Not that I recall.  
 [13] Q. And when did you start working  
 [14] for Amtren?  
 [15] A. I believe it was —  
 [16] Q. The month and year would be  
 [17] sufficient.  
 [18] A. Okay. January of 2004.  
 [19] Q. And what position did you accept  
 [20] with Amtren?  
 [21] A. Accounting manager.  
 [22] Q. What was your understanding of  
 [23] your duties as the accounting manager at

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[1] corporation?  
 [2] A. I don't recall.  
 [3] Q. If you will, just generally tell  
 [4] me, from the time you sent the resume to  
 [5] Amtren in response to the ad in the  
 [6] newspaper and the time that you were offered  
 [7] the position, what process was followed in  
 [8] your employment.  
 [9] A. Okay. Please restate that  
 [10] question.  
 [11] Q. From the time you sent the  
 [12] resume to Amtren until you were offered a  
 [13] position, just tell me the process that was  
 [14] followed for you — by you to obtain that  
 [15] job.  
 [16] A. I received a call from Kirk  
 [17] Lamberth.  
 [18] Q. Lamberth?  
 [19] A. I believe it was a call. Hold  
 [20] on a minute. There was contact by Kirk  
 [21] Lamberth to me to set up a telephone  
 [22] interview. Are you asking me how I received  
 [23] the position? What happened and how did I

[1] Amtren?  
 [2] A. My understanding would be to  
 [3] perform the accounting functions for that  
 [4] business, help with projections, and help  
 [5] with some analysis.  
 [6] Q. Anything else?  
 [7] A. Not that I can think of.  
 [8] Q. What do you mean by perform  
 [9] accounting functions for the business?  
 [10] A. I mean, produce financial  
 [11] statements, book journal entries.  
 [12] Q. Let me ask you to assume that  
 [13] the person reading this deposition is not an  
 [14] accountant.  
 [15] A. Okay.  
 [16] Q. I'm not an accountant. It will  
 [17] help if you explain what you mean by journal  
 [18] entries and things like that.  
 [19] A. Journal entries, those would be  
 [20] entries that would be made to the accounting  
 [21] system by way of a double entry system,  
 [22] debits and credits.  
 [23] Q. Accounts receivable and accounts



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<p>(1) payable, things like that?</p> <p>(2) A. Yes.</p> <p>(3) Q. What type of accounting system</p> <p>(4) was in place at Amtren when you started?</p> <p>(5) A. Peachtree.</p> <p>(6) Q. Explain what Peachtree is.</p> <p>(7) A. The system that they had was</p> <p>(8) basically a small accounting-type,</p> <p>(9) bookkeeping package.</p> <p>(10) Q. Is it computerized?</p> <p>(11) A. It was PC based, yes.</p> <p>(12) Q. Anything else that you did as an</p> <p>(13) accounting function for the company?</p> <p>(14) A. Not that I can think of right</p> <p>(15) now.</p> <p>(16) Q. Did you have responsibility for</p> <p>(17) dealing with tax issues?</p> <p>(18) A. I don't understand. What type</p> <p>(19) of tax issues?</p> <p>(20) Q. Payroll taxes, filing tax</p> <p>(21) returns, making the payments on behalf of</p> <p>(22) the company to the IRS, the Alabama</p> <p>(23) Department of Revenue, those types of</p>	<p>(1) Q. What type of insurance? Health</p> <p>(2) insurance for the employees, for example?</p> <p>(3) A. Yes.</p> <p>(4) Q. Any other type of insurance?</p> <p>(5) Liability insurance for the company?</p> <p>(6) A. Not that I recall.</p> <p>(7) Q. But you do recall having to make</p> <p>(8) payments to, I assume, to Blue Cross Blue</p> <p>(9) Shield for insurance for the employees?</p> <p>(10) A. Yes, I do recall that.</p> <p>(11) Q. When you first started working</p> <p>(12) with the company, did you have the authority</p> <p>(13) to write checks to accomplish these</p> <p>(14) accounting functions?</p> <p>(15) A. No.</p> <p>(16) Q. At some point in time, did you</p> <p>(17) receive that authority?</p> <p>(18) A. Yes.</p> <p>(19) Q. How long after you started</p> <p>(20) working for Amtren?</p> <p>(21) A. I don't recall.</p> <p>(22) Q. A couple of months, three</p> <p>(23) months?</p>
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<p>(1) issues.</p> <p>(2) A. I had responsibility regarding</p> <p>(3) payroll taxes.</p> <p>(4) Q. What were your responsibilities</p> <p>(5) regarding payroll taxes?</p> <p>(6) A. Basically remitting the payroll</p> <p>(7) taxes to the proper departments.</p> <p>(8) Q. State and federal?</p> <p>(9) A. Yes. And filling out the</p> <p>(10) remittal form, the 941, and I don't recall</p> <p>(11) the payroll form for the state.</p> <p>(12) Q. The 941 is a federal form?</p> <p>(13) A. Yes.</p> <p>(14) Q. Any other accounting-type</p> <p>(15) functions that you recall?</p> <p>(16) A. Not that I recall.</p> <p>(17) Q. Did you have any responsibility</p> <p>(18) for making payments on behalf of the company</p> <p>(19) for insurance?</p> <p>(20) A. Accounts payable.</p> <p>(21) Q. Insurance would be an accounts</p> <p>(22) payable of the company?</p> <p>(23) A. Yes.</p>	<p>(1) A. I don't recall.</p> <p>(2) Q. Prior to receiving the authority</p> <p>(3) to write the checks to perform these</p> <p>(4) accounting functions, who had the authority</p> <p>(5) to write the checks?</p> <p>(6) A. I can only make an assumption</p> <p>(7) that it was only Mr. Lamberth, but that's</p> <p>(8) only an assumption. I would have to see the</p> <p>(9) bank documents.</p> <p>(10) Q. You didn't have any</p> <p>(11) responsibility for completing the check</p> <p>(12) other than the signature, that type of</p> <p>(13) function?</p> <p>(14) A. Okay. Please restate that</p> <p>(15) question.</p> <p>(16) Q. Did you have any responsibility,</p> <p>(17) for example, completing the check to Blue</p> <p>(18) Cross Blue Shield -- I assume it is paid on</p> <p>(19) a monthly basis -- including the dollar</p> <p>(20) amount in the check and taking the check to</p> <p>(21) Mr. Lamberth to get Mr. Lamberth to sign it?</p> <p>(22) A. Yes.</p> <p>(23) Q. So you knew, then, that</p>

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<p>[1] Mr. Lamberth signed the checks prior to you</p> <p>[2] having authority; is that correct?</p> <p>[3] A. Yes.</p> <p>[4] Q. It would have been your</p> <p>[5] responsibility, then, to actually complete</p> <p>[6] the checks, except for the signature, on</p> <p>[7] these accounts payable?</p> <p>[8] A. Restate that.</p> <p>[9] Q. Is it correct that it was your</p> <p>[10] responsibility to complete the check on</p> <p>[11] these accounts payable to include the dollar</p> <p>[12] amount and then take that check to</p> <p>[13] Mr. Lamberth to be signed?</p> <p>[14] A. Yes.</p> <p>[15] Q. Is that true, also, for payments</p> <p>[16] made to the IRS and to the State Department</p> <p>[17] of Revenue for payroll taxes?</p> <p>[18] A. To complete the check?</p> <p>[19] Q. Yes.</p> <p>[20] A. Yes.</p> <p>[21] Q. At some point in time, did you</p> <p>[22] -- when you received the authority to sign</p> <p>[23] checks on behalf of the company, did you</p>	<p>[1] A. Yes.</p> <p>[2] Q. It was your responsibility to</p> <p>[3] ensure that those companies were paid; is</p> <p>[4] that correct?</p> <p>[5] A. It was my responsibility to make</p> <p>[6] sure they were paid? I'm not sure. You</p> <p>[7] know, that's a big scope. That's a really</p> <p>[8] big scope.</p> <p>[9] Q. Tell me what your responsibility</p> <p>[10] was, then, regarding accounts payable</p> <p>[11] accounts from which --</p> <p>[12] A. To prepare the check.</p> <p>[13] Q. Let me finish my question. Tell</p> <p>[14] me what your responsibility was in regards</p> <p>[15] to accounts payable in ensuring that the</p> <p>[16] companies from which Amtren purchased</p> <p>[17] products were paid.</p> <p>[18] A. What was my responsibility? My</p> <p>[19] responsibility would have been to prepare</p> <p>[20] the check, produce the check, provide</p> <p>[21] Mr. Lamberth with a check register, and then</p> <p>[22] mail the check.</p> <p>[23] Q. Any other responsibilities?</p>
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<p>[1] perform that entire function?</p> <p>[2] A. I performed that function, and</p> <p>[3] then all the checks were reviewed by</p> <p>[4] Mr. Lamberth.</p> <p>[5] Q. Did he countersign the checks or</p> <p>[6] just review them?</p> <p>[7] A. Reviewed them.</p> <p>[8] Q. Tell me the process that you</p> <p>[9] followed to obtain Mr. Lamberth's review of</p> <p>[10] the checks for accounts payable.</p> <p>[11] A. There were accounts -- the check</p> <p>[12] register list, that was reviewed. That was</p> <p>[13] given to Mr. Lamberth when an accounts</p> <p>[14] payable run was performed.</p> <p>[15] Q. Okay. Is it correct that</p> <p>[16] accounts payables were also payments made to</p> <p>[17] the vendors that the company dealt with?</p> <p>[18] A. Yes.</p> <p>[19] Q. Just so the record is clear,</p> <p>[20] Amtren would purchase products from other</p> <p>[21] companies and have to pay those companies</p> <p>[22] for those products, and that would be an</p> <p>[23] accounts payable; is that correct?</p>	<p>[1] A. Not that I can recall.</p> <p>[2] Q. I assume the vendors submitted</p> <p>[3] an invoice to the company; is that correct?</p> <p>[4] A. That would be correct.</p> <p>[5] Q. Did you have any duty regarding</p> <p>[6] the invoice that was submitted to Amtren?</p> <p>[7] A. Yes.</p> <p>[8] Q. Tell me what those duties --</p> <p>[9] A. The invoice would have been put</p> <p>[10] into the system.</p> <p>[11] Q. Who would put it into the</p> <p>[12] system?</p> <p>[13] A. You know, there for a while -- I</p> <p>[14] don't recall the exact time period. I did</p> <p>[15] it for a while, and then we had a clerical</p> <p>[16] person do it.</p> <p>[17] Q. Who was the clerical?</p> <p>[18] A. I can't remember exactly their</p> <p>[19] names. They would put the invoices into the</p> <p>[20] system.</p> <p>[21] Q. Who supervised the temp?</p> <p>[22] A. Myself and Kirk Lamberth.</p> <p>[23] Q. When you testified, put the</p>

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[1] invoice into the system, that would be enter  
[2] it into the accounting system?  
[3] A. Yes.  
[4] Q. Was there a time during your  
[5] employment that you reassumed those duties  
[6] from the temp?  
[7] A. I can't recall. I don't recall  
[8] that.  
[9] Q. Any other type of accounting  
[10] function duties that you had?  
[11] A. Not that I can think of right  
[12] now.  
[13] Q. What information would be  
[14] included on the check register that you  
[15] provided to Mr. Lamberth?  
[16] A. That would contain the name of  
[17] the vendor. You know, I really would need  
[18] to see the check registers. I don't know  
[19] exactly. I know it would have the name of  
[20] the vendor and, also, the amount of the  
[21] check and the check number. But I can't  
[22] recall every item on the check register.  
[23] Q. Did you generate the check

[1] reports to know exactly —  
[2] Q. You don't have any recollection  
[3] of —  
[4] A. I would rather not answer the  
[5] question unless I had the reports.  
[6] Q. You don't have that option. I'm  
[7] asking you to tell me what type of  
[8] information was included on the financial  
[9] projections and these weekly reports that  
[10] you provided for Mr. Lamberth.  
[11] A. Okay. Basically, income  
[12] statement and a balance sheet.  
[13] Q. Would it also include  
[14] information about the assets and liabilities  
[15] of the company?  
[16] A. That would be on the balance  
[17] sheet.  
[18] Q. Anything else on the balance  
[19] sheet other than information about the  
[20] assets and liabilities?  
[21] A. Shareholders' equity.  
[22] Q. Anything else?  
[23] A. That's it.

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[1] register from the accounting system?  
[2] A. Yes.  
[3] Q. You testified that one of your  
[4] duties, also, was to help with projections.  
[5] What do you mean by that?  
[6] A. I would provide Mr. Lamberth  
[7] with weekly reports that would help — let  
[8] me rephrase that. I don't believe I said —  
[9] when I was first employed there, I was told  
[10] that I would play a larger role with some of  
[11] the projections. But what I actually did  
[12] was provide Mr. Lamberth with weekly reports  
[13] that showed the financial position of the  
[14] company — or estimated financial position  
[15] of the company.  
[16] Q. What type of information would  
[17] be included on the weekly reports?  
[18] A. It was basically — I would need  
[19] to see them all to see exactly what all was  
[20] on the reports.  
[21] Q. You are an accountant. You know  
[22] what a financial projection is; correct?  
[23] A. I would still need to see the

[1] Q. What was the purpose of these  
[2] weekly reports?  
[3] A. So that Mr. Lamberth would be  
[4] informed of the financial position of the  
[5] company.  
[6] Q. Where did you obtain the  
[7] information that was included in these  
[8] weekly reports?  
[9] A. From the accounting system.  
[10] Q. Was it your responsibility to  
[11] extract that information from the accounting  
[12] system?  
[13] A. Yes.  
[14] Q. You also testified that it was  
[15] one of your duties to help with analysis.  
[16] What do you mean by that?  
[17] A. When I was first employed —  
[18] when I first signed on with Mr. — with  
[19] Amtren, I was told that I would be able to  
[20] help with analysis. He had told me he  
[21] needed someone to help him with some brain  
[22] power to help run the company, although I  
[23] did very little analysis.

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[1] Q. What did you do?  
 [2] A. I don't recall exactly. It  
 [3] wasn't much.  
 [4] Q. As an accountant, what does help  
 [5] with analysis mean to you?  
 [6] A. That would, to me, mean help  
 [7] with analysis of the financial position of  
 [8] the company to make decisions.  
 [9] THE WITNESS: I need to get  
 [10] something to drink. Would that be all  
 [11] right?  
 [12] MR. TRAWICK: Let's take a  
 [13] minute.  
 [14] (Brief recess.)  
 [15] Q. (By Mr. Trawick) During the  
 [16] time that you worked with Amtren, did anyone  
 [17] else perform those accounting functions that  
 [18] you testified about?  
 [19] A. Yes.  
 [20] Q. Who?  
 [21] A. There were some clerical or  
 [22] temps. I don't recall all of their names.  
 [23] Q. Was there any other accountant,

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[1] though, that performed these accounting  
 [2] functions?  
 [3] A. Not that I recall.  
 [4] Q. Well, Ms. McCollum, you worked  
 [5] at Amtren, and you have brought this  
 [6] lawsuit.  
 [7] A. Yes.  
 [8] Q. You would recall whether or not  
 [9] there was another accountant there.  
 [10] A. David Fields is an accountant.  
 [11] He was there.  
 [12] Q. Tell me what David Fields did.  
 [13] A. You know, I wasn't his  
 [14] supervisor. I really didn't know all of his  
 [15] functions.  
 [16] Q. Do you know any of his  
 [17] functions?  
 [18] A. He was in production, I believe.  
 [19] The production manager.  
 [20] Q. Did he have anything to do with  
 [21] the accounting functions you've testified  
 [22] about?  
 [23] A. I don't really recall. You

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[1] know, I would have to think about that one.  
 [2] Q. Well, take your time and think  
 [3] about it, then, Ms. McCollum.  
 [4] A. At what period of time?  
 [5] Q. During the time that you worked  
 [6] there, did you work with David Fields in  
 [7] performing any of these accounting  
 [8] functions?  
 [9] A. I may have asked him some  
 [10] questions because I believe he performed  
 [11] functions before I was there.  
 [12] Q. During the time that you worked  
 [13] there, did he perform any of the accounting  
 [14] functions that you previously testified  
 [15] about?  
 [16] A. Not that I recall.  
 [17] Q. Is that something you'd recall?  
 [18] A. I'm sorry?  
 [19] Q. Ms. McCollum, you have brought  
 [20] this lawsuit. I'm sure you've thought about  
 [21] this lawsuit a lot, and I'm sure you  
 [22] prepared for this deposition. Now, my  
 [23] question is very simple. During the time

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[1] that you worked with Amtren, did David  
 [2] Fields perform any of these accounting  
 [3] functions that you previously testified  
 [4] about?  
 [5] A. Not that I recall.  
 [6] Q. Did anyone else perform any of  
 [7] these accounting functions that you  
 [8] previously testified about?  
 [9] A. I've already answered the  
 [10] question.  
 [11] Q. Well, answer it again.  
 [12] THE WITNESS: Do I have to  
 [13] answer the question twice --  
 [14] MR. TRAWICK: Yes, you do.  
 [15] MR. JACOBS: Go ahead and tell  
 [16] him again.  
 [17] A. There were clerical people that  
 [18] performed some of those functions.  
 [19] Q. Any other accountants?  
 [20] A. Not that I recall.  
 [21] Q. Who was your immediate  
 [22] supervisor during the time that you worked  
 [23] at Amtren?



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<p>[1] A. Kirk Lamberth.</p> <p>[2] Q. Was there a controller during</p> <p>[3] the time that you worked at Amtren?</p> <p>[4] A. That I reported to?</p> <p>[5] Q. Yes.</p> <p>[6] A. No.</p> <p>[7] Q. Was there a controller that you</p> <p>[8] didn't report to?</p> <p>[9] A. No.</p> <p>[10] Q. Tell me the reasons you left</p> <p>[11] Amtren.</p> <p>[12] A. I did not voluntary leave</p> <p>[13] Amtren.</p> <p>[14] Q. You were terminated?</p> <p>[15] A. Yes.</p> <p>[16] Q. When were you terminated?</p> <p>[17] A. April.</p> <p>[18] Q. April of 2005?</p> <p>[19] A. Yes.</p> <p>[20] Q. Were you given any reasons why</p> <p>[21] you were terminated?</p> <p>[22] A. The one mainly that I recall is</p> <p>[23] because Mr. Lamberth had stated that he did</p>	<p>[1] Q. Who was he making reference to?</p> <p>[2] A. I can't remember all of their</p> <p>[3] names. I would need to see the payroll</p> <p>[4] records.</p> <p>[5] Q. Do you remember any of their</p> <p>[6] names?</p> <p>[7] A. I don't recall. Melody is the</p> <p>[8] only name that I can recall, but there were</p> <p>[9] others.</p> <p>[10] Q. Do you remember Melody's last</p> <p>[11] name?</p> <p>[12] A. No.</p> <p>[13] Q. Did you ask Mr. Lamberth why he</p> <p>[14] made the statement he didn't trust these</p> <p>[15] female employees?</p> <p>[16] A. No, I didn't.</p> <p>[17] Q. Did you ask for any other</p> <p>[18] explanation from Mr. Lamberth as to why you</p> <p>[19] were being terminated?</p> <p>[20] A. Not that I recall.</p> <p>[21] Q. In Defendant's Exhibit 1, you</p> <p>[22] were asked to identify any errors that you</p> <p>[23] made in the performance of your job duties.</p>
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<p>[1] not trust me, which he had told me that on</p> <p>[2] several occasions when terminating other</p> <p>[3] female employees, that he did not trust</p> <p>[4] them.</p> <p>[5] Q. What was your understanding of</p> <p>[6] his meaning that he didn't trust you?</p> <p>[7] A. That he didn't trust me.</p> <p>[8] Q. Did you ask for a reason why he</p> <p>[9] didn't trust you?</p> <p>[10] A. I don't recall asking for a</p> <p>[11] reason.</p> <p>[12] Q. Was there anyone present other</p> <p>[13] than you and Mr. Lamberth when you were</p> <p>[14] terminated?</p> <p>[15] A. No.</p> <p>[16] Q. I believe you testified he had</p> <p>[17] previously made statements to you that he</p> <p>[18] did not trust other females when he</p> <p>[19] terminated them; is that correct?</p> <p>[20] A. That's correct.</p> <p>[21] Q. Was anyone else present when he</p> <p>[22] allegedly made these statements?</p> <p>[23] A. No.</p>	<p>[1] Do you recall that?</p> <p>[2] A. I'm sorry. What was that?</p> <p>[3] Q. In the interrogatories that we</p> <p>[4] submitted to you, which your responses are</p> <p>[5] identified as Defendant's Exhibit 1, we</p> <p>[6] asked that you identify any errors that you</p> <p>[7] made in the performance of your job duties.</p> <p>[8] Do you recall that?</p> <p>[9] A. You asked me to identify any</p> <p>[10] errors.</p> <p>[11] Q. Yes.</p> <p>[12] A. I assume, if it's in there.</p> <p>[13] Q. Let me just direct your</p> <p>[14] attention to paragraph seven.</p> <p>[15] A. Okay.</p> <p>[16] Q. Take a minute and read it and</p> <p>[17] your response.</p> <p>[18] A. (Witness reviews document.)</p> <p>[19] Okay.</p> <p>[20] Q. Is it your testimony that the</p> <p>[21] only error that you made in the performance</p> <p>[22] of your job duties was this one payment</p> <p>[23] error regarding Plextor?</p>



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<p>(1) A. Can you restate the question?</p> <p>(2) Q. Did you make any errors in the</p> <p>(3) performance of your job duties at Amtren,</p> <p>(4) other than the one error that you have</p> <p>(5) identified in paragraph seven of your</p> <p>(6) responses to the defendant's interrogatories</p> <p>(7) pertaining to a payment error to Plextor?</p> <p>(8) A. Not that I recall.</p> <p>(9) Q. Does that imply that there were</p> <p>(10) errors that you may have forgotten about?</p> <p>(11) A. It's just not that I can recall.</p> <p>(12) Q. Tell me about this error that</p> <p>(13) was made to Plextor.</p> <p>(14) A. I would need to see all of the</p> <p>(15) documents, the original invoice, the payment</p> <p>(16) to Plextor, the accounts payable aging, in</p> <p>(17) order to fully give you all the information.</p> <p>(18) Q. Ms. McCollum, I'm asking you</p> <p>(19) what you recall about this payment error.</p> <p>(20) A. Okay. What I recall is that</p> <p>(21) there was a pricing change that I was not</p> <p>(22) aware of, notified of. This pricing change</p> <p>(23) is only sent to OEM.</p>	<p>(1) testimony?</p> <p>(2) A. I believe it was an e-mail from</p> <p>(3) the sales rep from Plextor.</p> <p>(4) Q. Do you know who the sales rep</p> <p>(5) was?</p> <p>(6) A. No. I don't recall his name.</p> <p>(7) Q. Well, was that price change</p> <p>(8) reflected on the invoice that Amtren</p> <p>(9) received?</p> <p>(10) A. No.</p> <p>(11) Q. Who did you speak with at</p> <p>(12) Plextor about the incorrect invoice?</p> <p>(13) A. I don't recall their name.</p> <p>(14) Q. It's your testimony you didn't</p> <p>(15) bring this to Mr. Lamberth's attention that</p> <p>(16) a vendor had submitted a false invoice to</p> <p>(17) the company to be paid?</p> <p>(18) MR. JACOBS: Object to the form.</p> <p>(19) Q. Go ahead and answer.</p> <p>(20) MR. JACOBS: Answer if you can.</p> <p>(21) Q. It's a very simple question.</p> <p>(22) A. Ask it again, then.</p> <p>(23) MR. JACOBS: My only concern was</p>
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<p>(1) Q. What is OEM?</p> <p>(2) A. Original equipment</p> <p>(3) manufacturer. That's right. Notified</p> <p>(4) through an e-mail of a pricing change. I</p> <p>(5) never received that e-mail. So basically</p> <p>(6) the vendor was paid at the higher price. I</p> <p>(7) caught the error when I was going through</p> <p>(8) the accounts payables and the checks once I</p> <p>(9) was notified about the pricing, and then I</p> <p>(10) corrected the error.</p> <p>(11) Q. Did you bring this to anyone's</p> <p>(12) attention at Amtren?</p> <p>(13) A. No. I found the error. I</p> <p>(14) corrected the error.</p> <p>(15) Q. Who received the e-mail</p> <p>(16) regarding the notification of the price</p> <p>(17) change?</p> <p>(18) A. For the OEM price changes? I</p> <p>(19) know Mr. Lamberth received that e-mail, but</p> <p>(20) I don't know who all it encompasses or who</p> <p>(21) all it had encompassed.</p> <p>(22) Q. Was this an e-mail from the</p> <p>(23) vendor to Mr. Lamberth? Is that your</p>	<p>(1) the words false invoice.</p> <p>(2) MR. TRAWICK: Ms. McCollum has</p> <p>(3) testified that the vendor, Plextor,</p> <p>(4) submitted an invoice at a higher price and</p> <p>(5) she paid that invoice at the higher price.</p> <p>(6) Q. (By Mr. Trawick) My question</p> <p>(7) is, if there had been a price change,</p> <p>(8) shouldn't the invoicing have reflected the</p> <p>(9) price change?</p> <p>(10) A. You would have to take that up</p> <p>(11) with Plextor.</p> <p>(12) Q. Well, at some point in time,</p> <p>(13) Ms. McCollum, you testified that you caught</p> <p>(14) that error and you paid it at the lower</p> <p>(15) price; is that correct?</p> <p>(16) A. At some point in time, I caught</p> <p>(17) the error, then I corrected it.</p> <p>(18) Q. How did you correct the error,</p> <p>(19) then?</p> <p>(20) A. I would have to have the checks,</p> <p>(21) the invoices, AR, the AP, and all of that.</p> <p>(22) My belief, as I recall, is that I took a</p> <p>(23) credit off of another invoice for the</p>

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(1) difference. But, there again, I would need  
(2) to see the documentation.  
(3) Q. And it's your testimony that the  
(4) vendor submitted an invoice at the higher  
(5) price, which was incorrect, and you did not  
(6) bring this to the attention of Mr. Lamberth;  
(7) is that correct?  
(8) A. That would be correct. I must  
(9) state I did not know that at the time,  
(10) either.  
(11) Q. Did not know what?  
(12) A. That -- let me rephrase that.  
(13) The price on the invoice was paid at the  
(14) invoice price; the error was later caught; I  
(15) corrected it.  
(16) Q. Is it correct that the price on  
(17) the invoice that you paid was at the higher  
(18) price and not the lower price?  
(19) A. Yes.  
(20) Q. Therefore, the invoice was  
(21) incorrect. Is that a fair statement?  
(22) A. I would say.  
(23) Q. And it's your testimony that you

(1) to think about it. I believe so. I would  
(2) like to see it on the documentation.  
(3) Q. I'm asking you what you recall  
(4) today, Ms. McCollum.  
(5) A. Okay. That's all I recall.  
(6) Q. What dollar amount was the error  
(7) involving?  
(8) A. I'd need to see. I'm not sure  
(9) exactly what it was.  
(10) Q. Several thousand dollars?  
(11) A. Yeah. Uh-huh.  
(12) Q. Would you agree that an error in  
(13) a price invoice from the vendor that  
(14) resulted in the company paying several  
(15) thousand dollars more than it should have is  
(16) a significant error?  
(17) A. No.  
(18) Q. I'm not asking if it is a  
(19) significant error on your part. I'm asking  
(20) if you would agree that it's a significant  
(21) error on the price --  
(22) A. I would not agree.  
(23) Q. Let me finish my question -- the

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(1) spoke with someone at Plextor about this  
(2) incorrect invoice?  
(3) A. I did.  
(4) Q. And you do not recall the name  
(5) of the person who you spoke with; is that  
(6) correct?  
(7) A. That's correct.  
(8) Q. And you testified that the error  
(9) was caught. How was the error caught?  
(10) A. From what I recall, after I was  
(11) -- I realized that the price should have  
(12) been the lower price, and I reviewed -- I  
(13) did a review of checks and that sort of  
(14) thing, and I saw that the -- it was at the  
(15) higher price, so I corrected it.  
(16) Q. How did you learn that the price  
(17) should have been lower?  
(18) A. I don't recall all the steps. I  
(19) just don't recall them all.  
(20) Q. You don't recall how you learned  
(21) that the price should have been lower?  
(22) A. I believe it was through  
(23) Mr. Lamberth, but I don't really -- I've got

(1) price of the vendor.  
(2) A. Okay. Say it again, please.  
(3) Q. Would you agree that an invoice  
(4) that had the wrong price, which caused the  
(5) company to pay several thousand dollars more  
(6) than it should have, was a significant error  
(7) on the part of the vendor?  
(8) A. A significant error on the part  
(9) of the vendor? Probably.  
(10) Q. And you didn't bring this to the  
(11) attention of Mr. Lamberth; is that correct?  
(12) A. I believe I have stated that I  
(13) found the error; I corrected the error; I  
(14) did not tell Mr. Lamberth about it at that  
(15) particular time.  
(16) Q. Did all future invoices from  
(17) this vendor contain the new price which was  
(18) lower?  
(19) A. I don't know. I'd have to see  
(20) invoices.  
(21) Q. Do you recall making any other  
(22) payments to this vendor that --  
(23) A. I'd have to see them.

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[1] Q. That's not my question.  
[2] Ms. McCollum. Listen to my question. It's  
[3] a very simple question.  
[4] A. Okay.  
[5] Q. Do you recall after this —  
[6] after making payment to this vendor at the  
[7] incorrect price, any other invoices that  
[8] were received from this same vendor that  
[9] contained the incorrect price?  
[10] A. I don't recall.  
[11] Q. In response to the  
[12] interrogatory, you state that other male and  
[13] white employees, who held a professional  
[14] position such as myself, were not treated in  
[15] the same manner. What do you mean by that  
[16] statement?  
[17] A. I mean that other male  
[18] employees, for example, David Fields, who  
[19] made an error — an inventory error — was  
[20] not terminated. There are three engineers  
[21] that work there, male, who have made  
[22] mistakes and errors costing the company.  
[23] They have not been terminated.

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[1] Q. Anyone else?  
[2] A. Not that I recall.  
[3] Q. How did you learn of David  
[4] Fields making the inventory error?  
[5] A. Through Mr. Lamberth and other  
[6] employees.  
[7] Q. What did Mr. Lamberth tell you  
[8] about this?  
[9] A. That David Fields made a large  
[10] inventory error.  
[11] Q. Did he tell you anything else?  
[12] A. Not that I recall.  
[13] Q. When was this error made?  
[14] A. I don't know.  
[15] Q. Before you were terminated, I  
[16] assume?  
[17] A. Yes.  
[18] Q. When you left Amtren, was David  
[19] still employed?  
[20] A. Yes.  
[21] Q. Do you know if David has  
[22] subsequently been terminated?  
[23] A. Yes, I believe he has.

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[1] Q. How did you learn of David's  
[2] termination?  
[3] A. I don't recall. I don't  
[4] remember exactly how.  
[5] Q. When Mr. Lamberth allegedly had  
[6] this conversation with you about David  
[7] Fields, did you ask what type of inventory  
[8] error?  
[9] A. I don't recall.  
[10] Q. Do you know what type of  
[11] inventory error David made?  
[12] A. I believe it was on some — I'm  
[13] not sure exactly. I'm not sure exactly.  
[14] Q. Do you recall anything else  
[15] about the conversation with Mr. Lamberth  
[16] regarding this error that David Fields made?  
[17] A. I don't recall.  
[18] Q. Yes or no. Do you recall  
[19] anything else about the conversation with  
[20] Mr. Lamberth regarding the error that you  
[21] contend —  
[22] A. I cannot —  
[23] Q. Let me finish my question,

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[1] Ms. McCollum. This lady can't take both of  
[2] us talking at the same time.  
[3] A. Okay.  
[4] Q. Do you recall anything else  
[5] about the conversation with Mr. Lamberth  
[6] wherein you allege that he told you about  
[7] this error that David Fields made?  
[8] A. No.  
[9] Q. Are you aware of any other  
[10] errors that David Fields made?  
[11] A. I don't recall.  
[12] Q. Do you know if the error that  
[13] David Fields made cost the company any  
[14] money?  
[15] A. Seventy thousand dollars.  
[16] Q. How do you know it cost the  
[17] company seventy thousand dollars?  
[18] A. That is what I was told.  
[19] Q. Told by whom?  
[20] A. Kirk Lamberth.  
[21] Q. So you do remember something  
[22] else about the conversation?  
[23] A. Yes, sir.

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[1] Q. Do you recall anything else?  
 [2] A. No.  
 [3] Q. How did it cost the company  
 [4] seventy thousand dollars?  
 [5] A. I'm not sure.  
 [6] Q. You didn't ask?  
 [7] A. I don't recall.  
 [8] Q. Who were the three engineers  
 [9] that made mistakes?  
 [10] A. I believe Steve, Mike --  
 [11] Q. Do you know Steve's last name?  
 [12] A. No. I don't know. I can't  
 [13] remember any of them's last name. Steve,  
 [14] Mike, and there's a John.  
 [15] Q. Steve, Mike, and John are --  
 [16] A. Uh-huh.  
 [17] Q. Let me finish my question.  
 [18] Steve, Mike, and John are the three  
 [19] engineers that you are referring to?  
 [20] A. Yes, I am.  
 [21] Q. What type of error did Steve  
 [22] make?  
 [23] A. They had -- I believe Steve had

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[1] shut down the production line because of a  
 [2] product -- what he thought was a product  
 [3] defect.  
 [4] Q. Anything else?  
 [5] A. Not that I recall.  
 [6] Q. How did you learn that Steve had  
 [7] shut down the production line because of a  
 [8] production defect?  
 [9] A. I don't remember who told me  
 [10] about that.  
 [11] Q. Do you know whether or not there  
 [12] was a product defect?  
 [13] A. No, I don't.  
 [14] Q. Do you know whether it was  
 [15] proper or improper to shut down the  
 [16] production line because of a production  
 [17] defect?  
 [18] A. No, I don't.  
 [19] Q. What type of error did Mike  
 [20] make?  
 [21] A. All three of them would be the  
 [22] same. It's basically the same thing as far  
 [23] as shutting the production line down.

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[1] Q. So it's your testimony that they  
 [2] shut the production line down on more than  
 [3] one occasion, or they were all involved in  
 [4] this one occasion --  
 [5] A. I don't remember --  
 [6] Q. Let me finish my question,  
 [7] Ms. McCollum. It will help the court  
 [8] reporter.  
 [9] A. Uh-huh.  
 [10] Q. Is it your testimony that Steve,  
 [11] Mike, and John shut down the production line  
 [12] on one occasion or more than one occasion?  
 [13] A. It would be more than one  
 [14] occasion.  
 [15] Q. And is it your testimony that  
 [16] all three of them were involved in shutting  
 [17] the production line down on each of these  
 [18] occasions?  
 [19] A. I don't recall.  
 [20] Q. How did you learn of Mike's  
 [21] alleged error of shutting down the  
 [22] production line?  
 [23] A. Someone told me, but I don't

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[1] remember who they are or who that was.  
 [2] Q. How did you learn of Mike's  
 [3] error of shutting down the production line?  
 [4] A. I believe somebody told me. I  
 [5] don't know exactly who it was.  
 [6] Q. Is it a fair statement that you  
 [7] have no firsthand knowledge about the  
 [8] production line being shut down and whether  
 [9] or not there was a product defect?  
 [10] A. No.  
 [11] Q. That's not correct? You do have  
 [12] firsthand knowledge?  
 [13] A. I'm sorry. Ask the question  
 [14] again.  
 [15] Q. Is it correct that you have no  
 [16] firsthand knowledge about the production  
 [17] line being shut down and whether or not  
 [18] there was a product defect which caused --  
 [19] A. Yes.  
 [20] Q. -- the production line to be  
 [21] shut down? Is that a correct statement?  
 [22] A. I did not know if the product  
 [23] defect was there or not. That is a correct



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[1] statement.  
[2] Q. Let me rephrase the question.  
[3] Is it correct that you have no firsthand  
[4] knowledge about the production line being  
[5] shut down?  
[6] A. Did I see the production line  
[7] being shut down? Is that what you're asking  
[8] me?  
[9] Q. Yes.  
[10] A. No, I didn't.  
[11] Q. Is it correct you have no  
[12] firsthand knowledge about whether or not  
[13] there was a product defect which caused the  
[14] production line to be shut down?  
[15] A. Say that one more time.  
[16] Q. Is it correct you have no  
[17] firsthand knowledge about whether or not  
[18] there was a product defect which caused the  
[19] production line to be shut down?  
[20] A. Yes.  
[21] Q. Were Mike, Steve, and John  
[22] employed when you left?  
[23] A. Yes.

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[1] Q. Do you know if they're still  
[2] employed?  
[3] A. No.  
[4] Q. Did you have any conversations  
[5] with Mr. Lamberth about these three  
[6] engineers and their alleged errors?  
[7] A. Not that I recall.  
[8] Q. Any other employees who you  
[9] allege made errors and were not treated in  
[10] the same manner as you?  
[11] A. Not that I can think of at this  
[12] moment.  
[13] Q. Well, you've thought about this  
[14] for a long time, Ms. McCollum; is that  
[15] correct?  
[16] A. Not that I can think of.  
[17] Q. Listen to my question,  
[18] Ms. McCollum. Have you thought about this  
[19] issue for a long time, since the filing of  
[20] your lawsuit?  
[21] A. Yes.  
[22] Q. And at this time, you cannot  
[23] think of any other individuals who made

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[1] errors who were treated differently than  
[2] you; is that correct?  
[3] A. That is correct. I cannot think  
[4] of anyone else at this time.  
[5] Q. This payment error to Plextor  
[6] that you have previously testified about,  
[7] did you discuss it with anyone other than  
[8] Mr. Lamberth?  
[9] A. Not that I can recall.  
[10] Q. At the time of this error that  
[11] was made in the payment of Plextor, was Lisa  
[12] working there?  
[13] A. I do not know.  
[14] Q. Was there a time that Lisa  
[15] started working there that you do recall?  
[16] A. I know that she did work there.  
[17] Q. Just for the record, Lisa  
[18] McNamee?  
[19] A. I know that she did work there  
[20] or does there, and I did work with her. I  
[21] don't recall the specific time.  
[22] Q. You don't recall if she was  
[23] working there when this payment error to

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[1] Plextor was made; is that correct?  
[2] A. That's correct.  
[3] Q. In Defendant's Exhibit 1, you  
[4] state that in December of 2004, Mr. Lamberth  
[5] hired Jerry Weisenfeld and gave him the  
[6] title of business manager. Do you recall  
[7] that?  
[8] A. Yes.  
[9] Q. When was Mr. Weisenfeld hired?  
[10] A. I don't know the exact date.  
[11] Q. Late December of 2004 is what  
[12] you stated.  
[13] A. Okay.  
[14] Q. Does that sound about right?  
[15] A. That sounds about right.  
[16] Q. What was Mr. Weisenfeld's duties  
[17] when he started Amtren?  
[18] A. I was not his supervisor. I  
[19] don't know all of his duties.  
[20] Q. Do you know any of his duties?  
[21] A. Not firsthand. I wasn't his  
[22] supervisor.  
[23] Q. Is it a correct statement that



<p style="text-align: right;">Page 69</p> <p>(1) you have no firsthand knowledge of what (2) duties Mr. Weisenfeld performed for Amtren? (3) A. Only the duties that I saw him (4) perform, I guess. (5) Q. What duties did you see him (6) perform? (7) A. Let's see. I believe there for (8) a while he was going to -- he helped Kirk (9) with banking, with various customers. (10) Before my termination, he was working with (11) the Mas90 system. (12) Q. Anything else? (13) A. That's all I can think of now. (14) Q. What do you mean by help Kirk (15) with banking? (16) A. He was involved with banking, (17) with negotiating -- I assume negotiating (18) with the bank. (19) Q. You said you saw him perform (20) these duties. What did you see? (21) A. Them having a meeting with the (22) banker. (23) Q. Anything else?</p>	<p style="text-align: right;">Page 71</p> <p>(1) abilities and the accounting system I had (2) put in. (3) Q. Was that Mas90, the accounting (4) system? (5) A. I believe, if I recall (6) correctly. (7) Q. Did you put in any other (8) accounting system other than Mas90? (9) A. Yeah, sure did. I put in (10) Peachtree for manufacturing, and I believe (11) one other integrated system. (12) Q. You previously testified that (13) when you started working at Amtren, the (14) accounting system was Peachtree. Is that (15) different from Peachtree for manufacturing? (16) A. Yes, it is. (17) Q. Do you recall the name of the (18) other accounting system that you put in? (19) A. It was still Peachtree. It was (20) just a different version of it. (21) Q. This letter that you testified (22) about that was presented to the banker, did (23) you prepare that letter?</p>
<p style="text-align: right;">Page 70</p> <p>(1) A. Not that I can think of right (2) now. (3) Q. Were you present in this meeting (4) with the banker? (5) A. No. (6) Q. Is it a fair statement that your (7) knowledge of Mr. Weisenfeld helping Kirk (8) with banking is limited to seeing him in a (9) meeting with Kirk and a banker? (10) A. Also, I believe there was a (11) letter that Kirk had written that was (12) presented to that banker -- I would have to (13) see the letter -- I believe at that same (14) meeting. (15) Q. Did you see this letter? (16) A. Yeah. (17) Q. What was the letter about? (18) A. I would have to see it again to (19) recall. (20) Q. Do you recall anything today (21) about what this letter was about? (22) A. I remember it stating -- having (23) very high compliments of my accounting</p>	<p style="text-align: right;">Page 72</p> <p>(1) A. No. (2) Q. Did you receive a copy of that (3) letter? (4) A. Yes. (5) Q. Who sent you a copy of the (6) letter? (7) A. Kirk. (8) Q. Do you still have a copy of the (9) letter? (10) A. Yes. (11) Q. Was it produced? (12) THE WITNESS: Was it produced? (13) A. I'm sure it was. (14) MR. TRAWICK: If it wasn't (15) produced, it should have been produced. (16) MR. JACOBS: We gave you (17) everything we have. Can we go off the (18) record a minute? (19) (Off-the-record discussion.) (20) Q. (By Mr. Trawick) Let me show (21) you what has been marked as Defendant's (22) Exhibit 3. Is that a copy of the letter you (23) have previously testified about?</p>

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(1) (Whereupon, a document was  
(2) marked as Defendant's Exhibit 3 and is  
(3) attached to the original transcript.)  
(4) A. Yes.  
(5) Q. How many meetings did you  
(6) observe between Kirk, Jerry, and a banker?  
(7) A. One.  
(8) Q. You previously testified that  
(9) you saw Jerry perform duties with various  
(10) customers. What were those duties?  
(11) A. I'm not exactly sure.  
(12) Q. What did you see?  
(13) A. Meetings with the customers.  
(14) Q. Anything else?  
(15) A. That's basically it, that I can  
(16) think of. Mainly meetings with the  
(17) customers.  
(18) Q. Do you know what these meetings  
(19) were about?  
(20) A. No, I do not know what they were  
(21) all about.  
(22) Q. Is it a fair statement you have  
(23) no firsthand knowledge of what these

(1) A. That's really hard to remember  
(2) that far back.  
(3) Q. Yes or no?  
(4) A. You know, I may have been. I  
(5) may have been.  
(6) Q. Do you recall anything about  
(7) those meetings?  
(8) A. There may have been some product  
(9) reviews or maybe meetings between him and  
(10) the customers that were -- I just don't  
(11) really know all of them. I can't tell you.  
(12) Q. I'm asking what you recall  
(13) today, Ms. McCollum. If you don't recall  
(14) anything, just tell me you don't recall  
(15) anything.  
(16) A. I can't recall what they were  
(17) all about.  
(18) Q. And you don't know whether you  
(19) were present at any of these meetings or  
(20) not. Is that a fair statement?  
(21) A. I probably was present at some  
(22) of them, but I just don't remember all of  
(23) them.

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(1) meetings were about between Jerry and  
(2) customers of --  
(3) A. I would not.  
(4) Q. Again, if you would let me  
(5) finish my question.  
(6) A. It's a little hard to do. I'm  
(7) trying.  
(8) Q. Is it correct that you have no  
(9) firsthand knowledge about these meetings  
(10) between Jerry and customers of Amtren?  
(11) A. I don't recall exactly what they  
(12) were all about.  
(13) Q. That's not my question,  
(14) Ms. McCollum. Listen to my question.  
(15) A. Okay.  
(16) Q. Is it correct you do not have  
(17) any firsthand knowledge about these meetings  
(18) between Jerry and the customers of Amtren?  
(19) A. There may have been some about  
(20) products. That's about all I would know,  
(21) about some of the products or --  
(22) Q. Were you present in any of these  
(23) meetings?

(1) Q. What transpired at these  
(2) meetings that were comptroller-type duties  
(3) or controller-type duties?  
(4) A. I don't remember. I just don't  
(5) remember.  
(6) Q. Sitting here today, is it a fair  
(7) statement that you do not recall any  
(8) controller-type duties that were discussed  
(9) during these meetings that Jerry had with  
(10) customers?  
(11) A. I don't recall.  
(12) Q. Listen to my question. Is it a  
(13) fair statement, sitting here today you do  
(14) not recall any controller-type duties that  
(15) Jerry performed during these meetings with  
(16) these customers?  
(17) A. Yes.  
(18) Q. What controller-type duties did  
(19) Kirk -- strike that. What controller type  
(20) duties did Jerry perform during the meeting  
(21) with the banker?  
(22) A. I wasn't in the meeting. I  
(23) would not know.

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[1] Q. Is it a fair statement that  
[2] sitting here today you are not aware of any  
[3] controller-type duties that Jerry performed  
[4] during this meeting that you observed  
[5] between Jerry, Kirk, and the banker?

[6] A. Could you ask that again,  
[7] please?

[8] Q. Is it a fair statement that you  
[9] are not aware of any controller-type duties  
[10] that Jerry performed during the meeting that  
[11] you observed between Jerry, Kirk, and the  
[12] banker?

[13] A. I am not aware. I was not in  
[14] the meeting.

[15] Q. So you are not aware of any  
[16] controller-type duties that Jerry performed?

[17] A. I'm not aware of any duties. I  
[18] wasn't in the meeting.

[19] Q. You previously stated that  
[20] before you were terminated, Jerry worked  
[21] with Mas90. Do you recall that testimony?

[22] A. Yes.

[23] Q. For the record, what is Mas90?

[1] Q. On the implementation of Mas90?

[2] A. Yes.

[3] Q. Who did Bobby Lake work for?

[4] A. Wilson Price.

[5] Q. Were you present in any meetings  
[6] between Jerry and Bobby Lake on implementing  
[7] Mas90?

[8] A. No, not that I recall.

[9] Q. Do you have any firsthand  
[10] knowledge about what transpired between  
[11] Jerry Weisenfeld and Bobby Lake during these  
[12] meetings?

[13] A. Yes. I saw them meeting over  
[14] the Mas90, and I believe I asked Bobby Lake  
[15] and Jerry -- or I may have asked Jerry what  
[16] they were reviewing, and he was telling me  
[17] they were basically reviewing the system,  
[18] and Bobby was training him on the system.

[19] Q. Did Bobby train you on the  
[20] system?

[21] A. Bobby was our consultant that  
[22] helped me install the system.

[23] Q. That's not quite my question.

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[1] A. It is a fully integrated  
[2] computer software system for manufacturing.

[3] Q. Were the accounting functions  
[4] for Amtren part of this system?

[5] A. Yes.

[6] Q. Did Amtren change over from  
[7] Peachtree to Mas90?

[8] A. Yes.

[9] Q. When did that take place?

[10] A. Somewhere between September and  
[11] December of 2004.

[12] Q. What duties did Jerry perform  
[13] with regard to Mas90?

[14] A. From what I recall, him and  
[15] Bobby Lake, the Mas90 consultant, were going  
[16] over, basically, how the -- I believe the  
[17] security portion and the functions, you  
[18] know, how the whole system works, the  
[19] accounts payable, the receivables, and  
[20] Mr. Lake -- Bobby Lake -- was training Jerry  
[21] on how to do that, from my understanding.

[22] Q. Did you work with Bobby Lake?

[23] A. Yes, I did.

[1] Did Bobby train you on the system?

[2] A. When you say train, he helped me  
[3] install it. I'm not sure that I would agree  
[4] with the word train.

[5] Q. Was he supposed to train you on  
[6] how the system operated?

[7] A. He was supposed to help me  
[8] install it.

[9] Q. He was not supposed to train  
[10] you, then, on how the system operated; is  
[11] that correct?

[12] A. Basically, he showed me how the  
[13] different functions worked within the  
[14] accounting software.

[15] Q. Would you consider that  
[16] training?

[17] A. I guess I might.

[18] Q. How did it differ than what  
[19] training Jerry provided -- Bobby provided to  
[20] Jerry?

[21] A. I don't know. I don't have full  
[22] extensive knowledge of what all he -- Bobby,  
[23] you know, worked with Jerry. I mean, I

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[1] don't have the extensive knowledge of what  
[2] all he showed him.  
[3] Q. You previously testified you saw  
[4] Bobby and Jerry meeting about Mas90, and you  
[5] asked Jerry about these meetings. Do you  
[6] recall that testimony?  
[7] A. Yes. Uh-huh.  
[8] Q. What did Jerry tell you about  
[9] the meeting?  
[10] A. That Bobby was showing him how  
[11] to use the Mas90 system.  
[12] Q. How did that differ, then, from  
[13] what Bobby showed you, if at all?  
[14] A. I don't know. I don't know how  
[15] to answer that question.  
[16] Q. To your knowledge, was there any  
[17] difference in what Bobby did with Jerry and  
[18] what Bobby did with you?  
[19] A. I don't know.  
[20] Q. It's a very simple question,  
[21] Ms. McCollum. Do you have any knowledge  
[22] that the training that Bobby provided to you  
[23] on Mas90 was any different than the training

[1] to Mas90?  
[2] A. Not that I recall.  
[3] Q. Let me direct your attention to  
[4] Defendant's Exhibit 3. Did you have any  
[5] discussions with Kirk Lamberth about this  
[6] letter?  
[7] A. I don't recall.  
[8] Q. Do you know who prepared this  
[9] letter?  
[10] A. Kirk Lamberth.  
[11] Q. How do you know that?  
[12] A. He signed it. He also gave me a  
[13] copy of it.  
[14] Q. How do you know he prepared it,  
[15] other than his signature?  
[16] A. You mean -- are you asking me  
[17] did I watch him type it? No, I --  
[18] Q. Yes.  
[19] A. No, I did not.  
[20] Q. What's the purpose of  
[21] Defendant's Exhibit 3, or what was the  
[22] purpose of Defendant's Exhibit 3, if you  
[23] know?

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[1] that Bobby provided to Jerry on Mas90?  
[2] A. Other than the system was  
[3] already installed, so I guess he wouldn't  
[4] have provided installation. But I don't  
[5] really know.  
[6] Q. Is it correct that Bobby  
[7] provided assistance on installing the system  
[8] to you?  
[9] A. Yes.  
[10] Q. Did you ask Jerry, why are you  
[11] meeting with Bobby about Mas90 and being  
[12] trained on the system?  
[13] A. I don't recall asking.  
[14] Q. Do you know why Bobby trained  
[15] Jerry on the system?  
[16] A. No.  
[17] Q. Other than the training that  
[18] Bobby gave to Jerry on the system, did Jerry  
[19] have any duties pertaining to Mas90?  
[20] A. Not that I recall.  
[21] Q. Is it a correct statement that,  
[22] to your knowledge, Jerry Weisenfeld did not  
[23] have any controller-type duties pertaining

[1] A. What was the purpose of it?  
[2] Q. Right.  
[3] A. You need to ask the defendant.  
[4] Q. I'm asking you, Ms. McCollum.  
[5] Do you know why Kirk Lamberth provided this  
[6] letter to the vice president of MidSouth  
[7] Bank?  
[8] A. I can't answer for him.  
[9] Q. I'm not asking you to answer for  
[10] Kirk Lamberth, Ms. McCollum. I'm asking you  
[11] to answer for you.  
[12] A. Okay. No, I'm not sure. I'm  
[13] not real sure.  
[14] Q. Let me direct your attention  
[15] again to Defendant's Exhibit 1. In your  
[16] complaint, you allege that you observed  
[17] gender bias in Mr. Lamberth's employment  
[18] actions and his comments about women in the  
[19] workplace, and you provided a response to  
[20] that interrogatory asking for what the acts  
[21] were.  
[22] A. What the what was?  
[23] Q. The actions,



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[1] A. The actions. Okay.  
 [2] Q. Let me give you an opportunity  
 [3] to review your answer.  
 [4] A. (Witness reviews document.)  
 [5] Okay.  
 [6] Q. In your answer, you state you  
 [7] were expected to make coffee on a number of  
 [8] occasions. Did anyone else make coffee?  
 [9] A. Probably.  
 [10] Q. Any males make coffee?  
 [11] A. In what time frame?  
 [12] Q. Any time frame that you worked  
 [13] there.  
 [14] A. Let's see. Maybe after the  
 [15] coffee service, but I don't really --  
 [16] Q. Did you ever observe any males  
 [17] at Amtren, during the time that you worked  
 [18] there, make coffee?  
 [19] A. Yes.  
 [20] Q. Did you observe any males make  
 [21] coffee during meetings?  
 [22] A. I don't recall.  
 [23] Q. May have, but you just don't

[1] Q. Anyone else ever order lunches  
 [2] for the staff or for business meetings?  
 [3] A. Probably. I don't know who they  
 [4] were.  
 [5] Q. Any males?  
 [6] A. May have.  
 [7] Q. You make the statement that male  
 [8] management employees were never assigned  
 [9] such duties nor was such an expectation of  
 [10] their employment by Mr. Lamberth.  
 [11] A. Okay. Say that again, please.  
 [12] Where is that?  
 [13] Q. It's in your answer.  
 [14] A. Okay. Which one? I'm sorry.  
 [15] Unless you want me to read --  
 [16] Q. In your response to  
 [17] interrogatory number four, you make the  
 [18] statement, male management employees were  
 [19] never assigned such duties, nor were such an  
 [20] expectation of employment by Mr. Lamberth.  
 [21] Did I read that correctly?  
 [22] A. Yes.  
 [23] Q. Do you stand by that statement?

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[1] recall?  
 [2] A. Uh-huh.  
 [3] Q. Did you ever observe  
 [4] Mr. Lamberth making coffee?  
 [5] A. Probably.  
 [6] Q. Okay. You further state that  
 [7] you were directed by Mr. Lamberth to order  
 [8] and serve lunch when we had employee  
 [9] lunches. What do you mean by serve lunch?  
 [10] A. Basically set all of it up.  
 [11] Q. What do you mean by set all of  
 [12] it up?  
 [13] A. The food, the plates, the  
 [14] silverware, that sort of thing.  
 [15] Q. Was it served buffet style?  
 [16] A. Most of the time, yes.  
 [17] Q. And the lunch was ordered from  
 [18] restaurants?  
 [19] A. Yes.  
 [20] Q. So is it correct you picked up  
 [21] the phone and placed an order for an  
 [22] employee lunch?  
 [23] A. I did do that.

[1] A. I do.  
 [2] Q. I think you just testified other  
 [3] male employees made coffee, other male  
 [4] employees ordered lunch. How did that  
 [5] differ from what you did?  
 [6] A. I said they may have, you know.  
 [7] How did that differ?  
 [8] Q. Yes.  
 [9] A. When coffee was not made when we  
 [10] had customers or guests, Mr. Lamberth became  
 [11] very irate at me.  
 [12] Q. What did he do?  
 [13] A. He became irate, angry at me.  
 [14] Q. What did he say?  
 [15] A. I don't recall exactly his  
 [16] words. It was more of his actions. Things  
 [17] like, you know, no coffee's made, or just  
 [18] very angry and his tone of voice. He became  
 [19] angry at me, not other male employees.  
 [20] Q. Did you ever have any  
 [21] discussions with Mr. Lamberth about this?  
 [22] A. No. I did what he asked me to  
 [23] do.



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[13] Q. It's a fair statement you never  
[14] told Mr. Lamberth, I don't think I should be  
[15] making coffee, and I shouldn't be ordering  
[16] lunch?

[17] A. That's a fair statement.

[18] Q. You didn't tell Mr. Lamberth  
[19] that, then? Is that your testimony?

[20] A. Right. I did not tell him that,  
[21] no. Is that what you're asking?

[22] Q. Yes. Did you tell Mr. Lamberth,  
[23] I don't think I should be making coffee; I  
[24] don't think I should be ordering lunch?

[25] A. No.

[26] Q. And, to your knowledge, you  
[27] don't have any knowledge as to whether or  
[28] not any other male employees made coffee or  
[29] ordered lunch; is that correct?

[30] A. I said they may have.

[31] Q. Let me show you what has been  
[32] marked as Defendant's Exhibit 4, which  
[33] appears to be a copy of the charge of  
[34] discrimination that you filed with the Equal  
[35] Employment Opportunity Commission.

[11] A. I am an Asian.

[12] Q. Korean?

[13] A. Yes.

[14] Q. And you have also alleged sex,  
[15] which is obviously female; is that correct?

[16] A. Correct.

[17] Q. And you also allege national  
[18] origin. What is your national origin you  
[19] are contending you were discriminated  
[20] against?

[21] A. Asian.

[22] Q. Again, Korean?

[23] A. Uh-huh.

[24] Q. You know Lisa McNamee, don't  
[25] you?

[26] A. Yes.

[27] Q. Is she part Korean?

[28] A. I believe she is.

[29] Q. And is it correct that she was  
[30] hired at Amtren while you were still working  
[31] there?

[32] A. Yes.

[33] Q. And I believe you previously

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[13] (Whereupon, a document was  
[14] marked as Defendant's Exhibit 4 and is  
[15] attached to the original transcript.)

[16] A. Uh-huh.

[17] Q. Is that your handwriting?

[18] A. The signature?

[19] Q. Yes.

[20] A. Yes.

[21] Q. The date on that is May 19,  
[22] 2005; is that correct?

[23] A. Uh-huh.

[24] Q. At the time you filed this, did  
[25] you have a lawyer?

[26] THE WITNESS: Both you and I put  
[27] that together.

[28] A. Uh-huh.

[29] Q. Is it correct that your  
[30] attorney, Mr. Jacobs, assisted you in  
[31] drafting this document?

[32] A. Yes.

[33] Q. In this document, you have  
[34] alleged that the cause of discrimination is  
[35] based upon color. What do you mean by that?

[13] testified that Lisa -- you worked with Lisa;  
[14] is that correct?

[15] A. Yes.

[16] Q. Did you supervise Lisa?

[17] A. To some extent. Both

[18] Mr. Lamberth and myself.

[19] Q. Do you know who hired Lisa?

[20] A. Myself and Mr. Lamberth.

[21] Q. Did you have the authority to  
[22] hire Lisa without Mr. Lamberth's approval?

[23] A. No.

[24] Q. Is it a correct statement, then,  
[25] that Mr. Lamberth had the authority to hire  
[26] new employees at Amtren?

[27] A. Yes.

[28] Q. When you left Amtren, was Lisa  
[29] still working there?

[30] A. Yes.

[31] Q. When you worked with Lisa, what  
[32] were Lisa's duties?

[33] A. Data entry.

[34] Q. Into Mas90?

[35] A. Into whatever system was there.

<p style="text-align: right;">Page 93</p> <p>(1) Q. Do you recall if Mas90 was —</p> <p>(2) A. I believe it was, but I would</p> <p>(3) need to look at all those to make sure.</p> <p>(4) Whatever accounting system, it's data entry.</p> <p>(5) Q. What type of data would she</p> <p>(6) enter into the accounting system?</p> <p>(7) A. Invoices.</p> <p>(8) Q. Anything else?</p> <p>(9) A. I don't remember everything.</p> <p>(10) But I know it was invoices, customer</p> <p>(11) purchase orders.</p> <p>(12) Q. Anything else?</p> <p>(13) A. Not that — it was mostly —</p> <p>(14) distribution of mail.</p> <p>(15) Q. I didn't make myself very</p> <p>(16) clear. Any other type of data entry that</p> <p>(17) Lisa did into the accounting system other</p> <p>(18) than invoices and customer purchase orders?</p> <p>(19) A. I thought you said what her</p> <p>(20) duties were.</p> <p>(21) Q. I did first. But you said data</p> <p>(22) entry, and I'm asking you about what type of</p> <p>(23) data did she enter into the system, and you</p>	<p style="text-align: right;">Page 95</p> <p>(1) record.</p> <p>(2) (Off-the-record discussion.)</p> <p>(3) (Lunch recess.)</p> <p>(4) Q. (By Mr. Trawick) Ms. McCollum,</p> <p>(5) let me direct your attention to Defendant's</p> <p>(6) Exhibit 4, which is a copy of the charge of</p> <p>(7) discrimination that you filed. In the</p> <p>(8) factual part of the charge you state,</p> <p>(9) Mr. Lamberth began to give me sexually</p> <p>(10) stereotypical duties, e.g., ordering lunch.</p> <p>(11) Previously you've testified about ordering</p> <p>(12) lunch and making coffee and setting up for</p> <p>(13) the lunches. Anything else you're referring</p> <p>(14) to as sexually stereotypical duties?</p> <p>(15) A. Not that I can think of.</p> <p>(16) Q. You go on to state that you were</p> <p>(17) troubled by these assignments and comments</p> <p>(18) made by the company president. What</p> <p>(19) comments are you making reference to?</p> <p>(20) A. He made a comment that he was a</p> <p>(21) chauvinist and that he knew it all. We were</p> <p>(22) invited to a luncheon with the two people</p> <p>(23) from Walker Personnel, both female. I asked</p>
<p style="text-align: right;">Page 94</p> <p>(1) told me invoices and customer purchase</p> <p>(2) orders. And my question now is, any other</p> <p>(3) type of data that she entered into the</p> <p>(4) system?</p> <p>(5) A. Not that I can recall.</p> <p>(6) Q. Do you recall if Lisa was there</p> <p>(7) when this error with Plextor was made and</p> <p>(8) caught by you?</p> <p>(9) A. I don't.</p> <p>(10) Q. What other type of duties did</p> <p>(11) Lisa perform other than data entry?</p> <p>(12) A. Mail distribution and answering</p> <p>(13) the phone.</p> <p>(14) Q. Anything else that you recall?</p> <p>(15) A. Not that I recall right now.</p> <p>(16) Q. Did she perform duties as</p> <p>(17) assigned by you?</p> <p>(18) A. Yes, she would.</p> <p>(19) Q. Do you recall any other duties</p> <p>(20) that you may have assigned her?</p> <p>(21) A. No, not that I can recall right</p> <p>(22) offhand.</p> <p>(23) MR. TRAWICK: Let's go off the</p>	<p style="text-align: right;">Page 96</p> <p>(1) Mr. Lamberth if he would like to attend. He</p> <p>(2) stated for me just to take Jerry Weisenfeld,</p> <p>(3) that he was a chauvinist and he knew it all,</p> <p>(4) and he did not want to attend to lunch.</p> <p>(5) Q. Was anyone present when</p> <p>(6) Mr. Lamberth allegedly made these</p> <p>(7) conversations?</p> <p>(8) A. Other than myself?</p> <p>(9) Q. Yes.</p> <p>(10) A. No.</p> <p>(11) Q. What did you understand</p> <p>(12) Mr. Lamberth to mean by the comment he knew</p> <p>(13) it all?</p> <p>(14) A. It is my belief that he meant he</p> <p>(15) really didn't have time to go to lunch with</p> <p>(16) women, and he knew everything and it</p> <p>(17) wouldn't benefit him.</p> <p>(18) Q. What was the purpose of this</p> <p>(19) luncheon with Walker Personnel?</p> <p>(20) A. They just called and asked us to</p> <p>(21) go to lunch because we were doing business</p> <p>(22) with them.</p> <p>(23) Q. And did Mr. Lamberth say that he</p>

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[1] didn't want to go to lunch because the  
[2] representatives from Walker Personnel were  
[3] female?  
[4] A. He said what I just stated.  
[5] Q. So it is correct that he did not  
[6] state that he did not want to go to lunch  
[7] because he would be going to lunch with  
[8] females; is that correct?  
[9] A. That would be correct.  
[10] Q. You go on to state in your  
[11] charge that in December of 2004 Mr. Lamberth  
[12] hired a man who was given the title of  
[13] business manager. Who are you making  
[14] reference to?  
[15] A. Jerry Weisenfeld.  
[16] Q. You go on to state, I believe he  
[17] terminated me because of my sex and color or  
[18] nationality; I am Asian-American. What  
[19] facts are you relying upon to make that  
[20] statement?  
[21] A. I was treated differently than  
[22] other male employees; that my duties were  
[23] more female stereotypical. When I was first

[1] controller-type duties.  
[2] Q. What are they?  
[3] A. Accounting functions.  
[4] Q. What accounting functions? That  
[5] doesn't tell me anything.  
[6] A. Accounts payable, accounts  
[7] receivable, software system, planning for  
[8] the future of the company, analysis. Those  
[9] type duties.  
[10] Q. What functions pertaining to  
[11] accounts payable are you making reference to  
[12] that you did not perform?  
[13] A. I'm sorry?  
[14] MR. TRAWICK: Read the question  
[15] back and read her answer.  
[16] (The requested portion of the  
[17] record, page 97, lines 16-23, and page 98,  
[18] lines 1-14, were read by the reporter.)  
[19] Q. (By Mr. Trawick) Okay. What  
[20] duties? You said accounting --  
[21] A. Okay. For example, this meeting  
[22] that I was not included in to re-evaluate  
[23] the line of credit planning, that was a

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[1] brought on board with Amtren, I was told  
[2] that I would have more of the  
[3] responsibilities of helping run the business  
[4] and that sort of thing. And it is my  
[5] belief, because I am female, that he hired  
[6] Mr. Weisenfeld, because he is male, to do  
[7] those duties.  
[8] Q. To do what duties?  
[9] A. The duties that I was told that  
[10] I would have as far as the accounting  
[11] functions and the planning, that sort of  
[12] thing.  
[13] Q. You're going to have to list  
[14] those duties for me.  
[15] A. List my duties?  
[16] Q. No. You just testified -- and  
[17] I'll have the court reporter read it back if  
[18] you want. But you testified you believe  
[19] that Mr. Lamberth hired Jerry to do those  
[20] duties that you thought you were going to  
[21] do. I'm simply asking you what duties are  
[22] you making reference to?  
[23] A. I am making reference to

[1] meeting held between the banker,  
[2] Mr. Lamberth, and Jerry Weisenfeld. I am  
[3] controller at that point in time. I feel  
[4] like I should have been in that meeting.  
[5] Q. Anything else? You mention  
[6] accounting functions, dealing with accounts  
[7] payable.  
[8] A. Any accounting function. It is  
[9] my belief that Mr. Weisenfeld, like I said,  
[10] was hired to basically replace me.  
[11] Q. And what facts are you relying  
[12] upon for that statement, or is that just  
[13] your opinion?  
[14] A. Well, here's one. This is a  
[15] meeting between a banker and Mr. Lamberth,  
[16] the president of the company, and --  
[17] Q. Defendant's Exhibit 3?  
[18] A. Number 3.  
[19] Q. Anything else? You have said  
[20] Defendant's Exhibit 3.  
[21] A. Yes. Also, he was receiving  
[22] training -- additional training on the Mas90  
[23] system, which was my responsibility. The

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[1] Amtran -- Mr. Lamberth chose to pay Wilson  
[2] Price extra money to train Mr. Weisenfeld  
[3] when I could have easily shown him those  
[4] functions and that system.

[5] Q. Anything else?

[6] A. Not that I recall.

[7] Q. Okay. So we have the meeting  
[8] that took place in March 2005. It's  
[9] referenced in Defendant's Exhibit 3. We  
[10] have that Jerry Weisenfeld received training  
[11] from Bobby Lake on Mas90. Anything else?

[12] A. Not that I can think of right  
[13] now.

[14] Q. Okay. So there's nothing  
[15] dealing with the accounts payable, accounts  
[16] receivable, et cetera, that you previously  
[17] testified about?

[18] A. It's my belief that Jerry  
[19] Weisenfeld was to take my place. Accounts  
[20] payable was part of my responsibility,  
[21] therefore it would be part of his.

[22] Q. Do you have any facts upon which  
[23] you base that opinion, other than the two

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[1] Q. And is it your testimony that  
[2] those five women who you cannot recall their  
[3] name at this time were not with the company  
[4] when you left, is that correct?

[5] A. As far as I can remember. I  
[6] can't remember all of it. But as far as I  
[7] can remember, they were not except for Lisa  
[8] McNamee.

[9] Q. Are you contending that  
[10] Mr. Lamberth fired these five women because  
[11] they are women after he hired them?

[12] A. Yes.

[13] Q. What facts do you base that  
[14] opinion upon?

[15] A. What he had told me, that he did  
[16] not trust me, he also told me that after  
[17] firing two, I believe. I don't recall  
[18] exactly how many of the other women. They  
[19] were doing a fine job. They were doing just  
[20] fine, and they were terminated. So I can  
[21] only assume that they were terminated due to  
[22] their sex.

[23] Q. Is it your testimony that

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[1] things you just told me?

[2] A. That is my belief.

[3] Q. Do you have any facts to support  
[4] that belief other than the two things you  
[5] told me, one being this meeting in March  
[6] 2005 with the banker, and that Jerry  
[7] Weisenfeld received training on Mas90?

[8] A. Not at this time.

[9] Q. Okay. You go on to state that  
[10] Lamberth hired six women, only one is still  
[11] with the company. Who are those six women?

[12] A. I don't recall their names. I  
[13] don't know their names. I would need to see  
[14] payroll records.

[15] Q. You don't recall any of the  
[16] names?

[17] A. Lisa McNamee, for one.

[18] Q. And she was still with the  
[19] company when you left?

[20] A. Yes.

[21] Q. Any of the other five, do you  
[22] recall their names?

[23] A. No, not right at this time.

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[1] Mr. Lamberth told you that these two women,  
[2] who you can't identify --

[3] A. Not without the payroll records.

[4] Q. You can't identify them today;  
[5] is that correct?

[6] A. Not without the payroll records.

[7] Q. That's not my question,  
[8] Ms. McCollum. Do you know their names  
[9] today?

[10] A. No. I can't recall them.

[11] Q. Then is it your testimony that  
[12] these two women who you contend were fired,  
[13] Mr. Lamberth said they were doing a good  
[14] job? Is that your testimony?

[15] A. I don't recall him saying that.

[16] Q. Okay. He didn't say that, then,  
[17] to your recollection?

[18] A. He didn't say that to me  
[19] directly.

[20] Q. Who did he say it to?

[21] A. He said it, I believe, to other  
[22] people. He would be saying what a good job  
[23] they're doing.



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[1] Q. To whom did he say that?

[2] A. I believe -- I can't remember

[3] exactly who all. Other employees in the

[4] office.

[5] Q. So you can't name any --

[6] A. And I heard that he said they

[7] were doing a good job.

[8] Q. Who did you hear it from?

[9] A. I heard him talking to other

[10] people saying what he -- that they were

[11] doing a good job.

[12] Q. Ms. McCollum, you just confused

[13] me.

[14] A. Okay. Well, you're confusing

[15] me, too. I'm sorry.

[16] Q. You are the one testifying, and

[17] I'm asking you a simple question. Did you

[18] hear Mr. Lamberth say these two women that

[19] you contend were fired because they are

[20] women were doing a fine job?

[21] A. I do recall, now that I think

[22] about it. Melody. He told me that she was

[23] doing a good job, and then the next thing I

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[1] A. And I told you what my belief

[2] was.

[3] Q. And I'm asking you if you have

[4] any facts to support that belief. Is your

[5] answer no?

[6] A. My answer is not at this time.

[7] Q. All right. What's the name of

[8] the other woman that you contend was fired

[9] and was doing a good job?

[10] A. I don't know. I don't remember

[11] her name.

[12] Q. Now, is it your testimony that

[13] Mr. Lamberth told you this other woman, who

[14] you cannot recall her name, was doing a good

[15] job?

[16] A. I don't really remember.

[17] Q. I think you used the word doing

[18] a fine job.

[19] A. I don't really remember.

[20] Q. So sitting here today, you can't

[21] say yes or no Mr. Lamberth made that

[22] statement, she's doing a fine job, regarding

[23] this other woman?

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[1] know, she's fired.

[2] Q. Was anyone else present when

[3] Mr. Lamberth allegedly told you that Melody

[4] was doing a good job?

[5] A. I don't remember. I don't think

[6] so, though.

[7] Q. Do you know the reason she was

[8] fired?

[9] A. It is my belief because she's a

[10] woman.

[11] Q. Do you have any facts to support

[12] that belief?

[13] A. Just what I have already told

[14] you.

[15] Q. What is that? You haven't told

[16] me any facts other than the fact that she's

[17] a woman.

[18] A. Mr. Lamberth said that she was

[19] doing a good job. Then a few -- I don't

[20] even know. Not a day or two later, he had

[21] fired her. Now, what other reason would he

[22] have to fire her?

[23] Q. I'm asking you.

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[1] A. Sitting here today, I cannot.

[2] Q. Is it your testimony you have no

[3] firsthand knowledge of the reason that

[4] Melody left Amtren?

[5] A. I have no firsthand knowledge?

[6] Q. Is that correct?

[7] A. I was there when Mr. Lamberth

[8] terminated Melody. I was there when he said

[9] what a nice job she was doing.

[10] Q. Were you present when he told

[11] her she was being terminated?

[12] A. No, I was not present.

[13] Q. My question, then -- if you will

[14] listen carefully -- do you have any

[15] firsthand knowledge of the reasons that Ms.

[16] Melody was terminated?

[17] A. No. I wasn't present when she

[18] was terminated.

[19] Q. My question is not limited to

[20] were you present when he terminated her. My

[21] question is a little bit broader than that.

[22] It is, do you have any firsthand knowledge

[23] of the reasons she was terminated?





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[1] A. And my answer is I wasn't  
[2] present when he terminated her. I do not  
[3] know why he terminated her.  
[4] Q. And you have no firsthand --  
[5] A. Other than what I believe.  
[6] Q. -- knowledge who was -- okay.  
[7] You go on to state in this charge that one  
[8] woman was pregnant and Mr. Lamberth  
[9] terminated her.  
[10] A. Yes.  
[11] Q. Who was that?  
[12] A. I don't recall her name. She  
[13] worked for the temp agency. She was a young  
[14] black woman. She had not worked there for  
[15] very long when Mr. Lamberth terminated her.  
[16] Q. You said she worked for the temp  
[17] agency. She really didn't work for Amtren,  
[18] then.  
[19] A. Well, she did work. She was a  
[20] temp to hire.  
[21] Q. Do you have any firsthand  
[22] knowledge of the reasons she stopped working  
[23] at Amtren as a temporary employee through, I

[1] question is, do you dispute Mr. Lamberth's  
[2] opinion that she was no longer needed as a  
[3] temp -- temporary employee?  
[4] A. You know, I don't know quite  
[5] what you mean by that question. Are you  
[6] saying did I think -- was it my belief she  
[7] was needed or not needed?  
[8] Q. Yes.  
[9] A. I don't know.  
[10] Q. Okay. You go on to state only  
[11] three of the employees of Amtren were female  
[12] at the time I left the company. Who were  
[13] those three employees other than Lisa?  
[14] A. There was Lisa and --  
[15] Q. That's Lisa McNamee; is that  
[16] correct?  
[17] A. Yes. And she was a part-time  
[18] web designer, and I don't recall her name.  
[19] I don't recall the third person's name.  
[20] Q. How many male employees worked  
[21] at Amtren when you left?  
[22] A. Approximately 15 or 16.  
[23] Q. What did the 15 or 16 males do?

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[1] assume it was, Walker Personnel?  
[2] A. Yes.  
[3] Q. Okay.  
[4] A. I was told that she was not --  
[5] no longer needed.  
[6] Q. Who told you that?  
[7] A. Kirk Lamberth.  
[8] Q. Did he tell you why she was no  
[9] longer needed?  
[10] A. I don't recall exactly why.  
[11] Q. Okay. But you state in your  
[12] charge that she was terminated because she  
[13] was pregnant; is that correct?  
[14] A. He made the comment that -- when  
[15] I notified Mr. Lamberth that she was  
[16] pregnant, he made the comment, well, didn't  
[17] she know that before she started working  
[18] here.  
[19] Q. Well, do you dispute  
[20] Mr. Lamberth's opinion that she was no  
[21] longer needed?  
[22] A. Not my decision.  
[23] Q. That's not my question. My

[1] A. I would -- I can only give you  
[2] some estimates.  
[3] Q. Well, we know Kirk worked there;  
[4] correct?  
[5] A. Uh-huh.  
[6] Q. Is he one of the 15 or 16 males  
[7] you are making reference to?  
[8] A. No, he really isn't.  
[9] Q. We know that Jerry was working  
[10] there.  
[11] A. Uh-huh.  
[12] Q. Is he one of the 15 or 16?  
[13] A. Yes.  
[14] Q. Who else?  
[15] A. David Fields. Then there were  
[16] some production -- there were the three  
[17] engineers, Steve, Mike, and John. That's  
[18] all the names I can recall without the  
[19] payroll records.  
[20] Q. Okay. It's my understanding  
[21] that they have, like, one building where  
[22] management-type people work in and another  
[23] building where they actually produce the

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[1] product; is that correct?

[2] A. It wasn't always that way when I

[3] was there.

[4] Q. How was it then?

[5] A. It was all in one building when

[6] I was there. Maybe those changes have come

[7] forth since.

[8] Q. Okay. Is it a correct

[9] statement, other than Jerry, David, Steve,

[10] Mike, and John, you don't know what these

[11] other males did?

[12] A. Some of them were in production,

[13] some of them were in customer service.

[14] Q. You go on to state, since

[15] leaving the company, I have learned that

[16] Lamberth expressed his bias against women

[17] and persons of color to other management

[18] staff. Who told you that?

[19] A. Mike Bishop.

[20] Q. Is this the Mike you couldn't

[21] remember his last name a minute ago, the

[22] engineer?

[23] A. No.

[1] cause you to make this statement that

[2] Lamberth expressed bias against women and

[3] persons of color?

[4] A. That he had --

[5] Q. He who?

[6] A. Mike Bishop had heard Kirk

[7] Lamberth make racial slurs.

[8] Q. Did he tell you what racial

[9] slurs?

[10] A. No, he did not.

[11] Q. Did you ask?

[12] A. I believe I did.

[13] Q. And you -- what did Mike tell

[14] you when you asked?

[15] A. He didn't tell me what he said.

[16] Q. Did he tell you he couldn't

[17] recall?

[18] A. He just didn't tell me.

[19] Q. What else did Mike tell you that

[20] he heard Kirk say?

[21] A. That's all I can remember at

[22] this time.

[23] Q. Have you ever heard Kirk make

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[1] Q. Mike Bishop is someone else?

[2] A. Yes.

[3] Q. Did Mike Bishop work at Amtren?

[4] A. Yes.

[5] Q. What was his position?

[6] A. He was, I believe, the

[7] operations manager.

[8] Q. Who else?

[9] A. Who else what?

[10] Q. Anyone else tell you this?

[11] A. No.

[12] Q. Is Mike Bishop still employed at

[13] Amtren?

[14] A. No.

[15] Q. Why did he leave?

[16] A. He quit, but I'm not sure of all

[17] the reasons.

[18] Q. What did Mike Bishop tell you?

[19] A. He just said that he was moving

[20] on to own his own business.

[21] Q. Let me rephrase that question.

[22] A. Uh-huh.

[23] Q. What did Mike Bishop tell you to

[1] any racial slurs?

[2] A. Not that I recall.

[3] Q. And Mike Bishop is the only

[4] person that you were making reference to

[5] when you make the statement you've learned

[6] that he -- that Lamberth expressed bias to

[7] other management staff; is that correct?

[8] A. Yes.

[9] Q. In response to my question about

[10] the reasons you think you were terminated,

[11] because of your sex and color, you stated

[12] you were treated differently than the other

[13] males. You previously answered that

[14] question. Is there anything else that you

[15] want to add to that, as to how you were

[16] treated differently than males?

[17] A. Not at this time.

[18] Q. And you also testified that your

[19] duties were more female stereotypical.

[20] You've testified about that previously as

[21] far as ordering lunch, et cetera. Anything

[22] else other than what you've already told me?

[23] A. Not at this time.

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[1] Q. Well, does that mean at some  
[2] later time you're going to have something  
[3] else, Ms. McCollum? The purpose of this  
[4] deposition is to find out what you contend  
[5] was done to you wrong. Now, your response,  
[6] not at this time, implies that there may be  
[7] something at some later time. I'm trying to  
[8] find out at this point in time, is there  
[9] anything else regarding these duties that  
[10] you consider was female stereotypical?

[11] A. Not at this point in time.

[12] MR. TRAWICK: Let's mark this as  
[13] Defendant's Exhibit 5.

[14] (Whereupon, a document was  
[15] marked as Defendant's Exhibit 5 and is  
[16] attached to the original transcript.)

[17] Q. Let me show you what has been  
[18] marked as Defendant's Exhibit 5, which are  
[19] documents numbered 0012, 13, and 14 that  
[20] were produced to your lawyer by the  
[21] defendant in this case. Take a look at  
[22] those documents.

[23] A. (Witness reviews documents.)

[24] responsible for making the tax payments, the  
[25] payroll taxes on behalf of Amtren, were  
[26] there any penalties assessed against Amtren?

[27] A. You know, I would have to see  
[28] all the documentation. I mean, I -- I know  
[29] that there was -- when I first started  
[30] there, there was a penalty for failure of  
[31] not paying state payroll taxes for three  
[32] months. But that would not have been -- I  
[33] mean, I wasn't even there then.

[34] Q. You learned about that after you  
[35] started working for Amtren; is that correct?

[36] A. Yes.

[37] Q. Is it your testimony that you  
[38] cannot recall, during the time that you  
[39] worked there and the time that you were  
[40] responsible for making the tax payments on  
[41] behalf of Amtren, any penalty being  
[42] assessed?

[43] A. There may have been, but I would  
[44] not be able to answer that question fully  
[45] without looking at all the documentation.  
[46] Do I recall any penalty at all? Is that

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[1] Q. What are those documents?

[2] A. It appears to me -- well, what  
[3] it is, it's just a statement from the  
[4] Internal Revenue Service stating a penalty,  
[5] federal tax liability -- for federal tax  
[6] liability.

[7] Q. For Amtren?

[8] A. I don't see where it's directed  
[9] to Amtren, I don't know.

[10] Q. Have you seen these documents  
[11] before?

[12] A. I believe I have.

[13] Q. Tell me what context you saw  
[14] these documents in.

[15] A. I believe it was in the  
[16] paperwork that was requested by my lawyer.

[17] Q. When you performed your duties  
[18] at Amtren, did you see these documents?

[19] A. I don't know. I may have. I  
[20] don't know. I mean, you're asking me to  
[21] remember. I don't know.

[22] Q. Let me ask you this question,  
[23] then. During the time that you were

[1] your question?

[2] Q. That's my question. Yes.

[3] A. Probably, yes.

[4] Q. Probably?

[5] A. Uh-huh. Yes.

[6] Q. Tell me what you recall about  
[7] the penalty that was assessed against  
[8] Amtren.

[9] A. There was a penalty for the  
[10] three months of state taxes that was not  
[11] filed.

[12] Q. And I think you testified that  
[13] was before you got there; is that correct?

[14] A. I saw the -- no. Well, the  
[15] three months that weren't filed happened  
[16] before I got there.

[17] Q. You told me about that.

[18] A. Okay.

[19] Q. Now, during the time that you  
[20] were there and the time that you were  
[21] responsible for making the payroll taxes to  
[22] the IRS and to the state, were there any  
[23] penalties assessed against Amtren?

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[1] A. Yes, I believe so.  
[2] Q. Tell me about those penalties.  
[3] A. Okay. I just don't recall all  
[4] what they were. I know that there were. I  
[5] don't know exactly which form it was or  
[6] which tax it was. I mean, I just don't  
[7] recall.  
[8] Q. Who was responsible for making  
[9] those payroll taxes?  
[10] A. That would be myself.  
[11] Q. And it's your testimony that you  
[12] don't recall anything about those penalties  
[13] being assessed against Amtren, even though  
[14] it was your responsibility, other than the  
[15] fact that the penalties were assessed?  
[16] A. There were penalties assessed.  
[17] I don't recall --  
[18] Q. More than one? On more than one  
[19] occasion; is that correct?  
[20] A. I believe so, but I don't recall  
[21] which form it was, which tax it was.  
[22] Q. I'm not asking you that. I'm  
[23] asking you was it your responsibility to

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[1] make those payments in a timely fashion?  
[2] A. Yes.  
[3] Q. Did you fail to make those  
[4] payments in a timely fashion and, thus, a  
[5] penalty was assessed?  
[6] A. No.  
[7] Q. Why was the penalty assessed,  
[8] then?  
[9] A. I would need to see the  
[10] documentation. I'm not sure.  
[11] Q. You don't know; is that correct?  
[12] A. I'm not sure.  
[13] Q. And you're saying it wasn't  
[14] your --  
[15] A. I don't see Amtren's name on  
[16] there at all.  
[17] Q. You've previously testified that  
[18] on more than one occasion penalties were  
[19] assessed against Amtren, either by the state  
[20] or by the federal government for late tax  
[21] payments; is that correct?  
[22] A. I'm not sure what the penalties  
[23] were for. I know there were some

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[1] penalties. I know the state was due two or  
[2] three months of nonpayment of payroll  
[3] taxes.  
[4] MR. TRAWICK: Excuse me a  
[5] minute.  
[6] (Off-the-record discussion.)  
[7] Q. (By Mr. Trawick) Ms. McCollum,  
[8] you would agree that a penalty of several  
[9] thousand dollars is a significant penalty?  
[10] A. Yes, I would.  
[11] Q. And these -- you've already  
[12] testified that these penalties were assessed  
[13] during the time that you had the  
[14] responsibility for making the payroll taxes;  
[15] is that correct?  
[16] A. That's not correct. I don't  
[17] know when the penalties were assessed. I  
[18] don't know. I just know that there were  
[19] some. I don't -- you're referring to  
[20] this --  
[21] Q. No, I'm not referring to  
[22] Defendant's Exhibit 5. You testified  
[23] previously that penalties were assessed

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[1] against Amtren during the time that you were  
[2] responsible for making the payroll tax  
[3] payments to the federal government and to  
[4] the state government; correct?  
[5] A. There were penalties assessed.  
[6] Q. Okay. It was on more --  
[7] A. I do not know if it was for  
[8] payroll taxes or for which tax it was for.  
[9] There were a number of taxes.  
[10] Q. Let me rephrase the question,  
[11] then.  
[12] A. Uh-huh.  
[13] Q. During the time that you worked  
[14] for Amtren, were there ever any penalties  
[15] assessed for the late payment of payroll  
[16] taxes or the incorrect payment of payroll  
[17] taxes?  
[18] A. I'm not sure. I mean, there  
[19] were penalties, but I'm not sure which tax  
[20] it was for.  
[21] Q. Was someone else responsible for  
[22] making tax payments, then, other than you?  
[23] A. Tax payments is pretty broad.



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[1] Are you saying payroll tax payments? I was  
[2] responsible --

[3] Q. Ms. McCollum, you just testified  
[4] that during the time that you worked at  
[5] Amtren, there were penalties assessed  
[6] regarding taxes.

[7] A. Yes. But I don't know which tax  
[8] it was.

[9] Q. And my question is, was anyone  
[10] else responsible for ensuring that those  
[11] taxes were paid timely or paid correctly,  
[12] other than you?

[13] A. Not -- it was just me.

[14] Q. We've established that, then.

[15] A. Okay.

[16] Q. And is it your testimony that  
[17] sitting here today you have no recollection  
[18] of the reasons those penalties were  
[19] assessed?

[20] A. Not at this time.

[21] Q. All right. Is it your  
[22] testimony, Ms. McCollum, that these  
[23] penalties were not the result of your errors

[1] A. I'm just not sure.

[2] Q. Then it could be because of your  
[3] duties?

[4] A. It could be.

[5] Q. Okay. You just don't have any  
[6] recollection of the facts as to why these  
[7] penalties were assessed; is that correct?

[8] A. Like I said, it could have  
[9] been. I just would need to see it.

[10] Q. Let me show you what's been  
[11] marked as Defendant's Exhibit 6, which are  
[12] documents number 0297, 298, and 299, which  
[13] were produced to your lawyer.

[14] (Whereupon, a document was  
[15] marked as Defendant's Exhibit 6 and is  
[16] attached to the original transcript.)

[17] A. Okay.

[18] Q. Take a look at those documents.

[19] A. (Witness reviews documents.)

[20] Okay.

[21] Q. You would agree that that's --  
[22] strike that. Tell me what those documents  
[23] are that are marked as Defendant's Exhibit

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[1] and omissions?

[2] A. I don't know what penalty you're  
[3] talking about.

[4] Q. Ms. McCollum, you testified --

[5] A. That there were penalties.

[6] Q. Yes. And my question is, is it  
[7] your testimony those penalties were not  
[8] assessed because of your errors and  
[9] omissions?

[10] A. I'm not sure. I would have to  
[11] look at the paperwork.

[12] Q. Ms. McCollum, this is not a  
[13] difficult question.

[14] A. Uh-huh.

[15] Q. You're obviously a very  
[16] intelligent woman, and you've previously  
[17] testified that penalties being assessed are  
[18] something that is significant.

[19] A. Yes.

[20] Q. And it's your testimony you  
[21] don't know if these penalties were assessed  
[22] because of something you failed to do or  
[23] not?

[1] 6.

[2] A. It's a notice saying that they  
[3] have changed the balances in the federal tax  
[4] deposits for the quarter, and this would be  
[5] for tax period December 31, 2004.

[6] Q. And why would there be changes  
[7] made by the IRS? Let me ask you this  
[8] question, then. Strike that. Did you  
[9] receive this document when you were employed  
[10] at Amtren?

[11] A. I may have. I received many  
[12] documents. I can't pinpoint exactly.

[13] Q. I think, as Mr. Lamberth pointed  
[14] out just a second ago, Defendant's Exhibit 6  
[15] and Defendant's Exhibit 5 go together.  
[16] Would you agree with that?

[17] A. Let's see. Deposits  
[18] insufficient -- yes, it appears that it  
[19] does.

[20] Q. Okay. During the time that you  
[21] worked with Amtren, do you recall receiving  
[22] the documents, Defendant's Exhibit 6 and 5?

[23] A. Yes, I believe I did.

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[1] Q. Defendant's Exhibit 6 states, we  
[2] changed your tax return because we found a  
[3] calculation error. Did I read that  
[4] correctly?

[5] A. Yes.

[6] Q. Who is responsible for filing  
[7] the returns that these documents,  
[8] Defendant's Exhibit 5 and 6, apply to?

[9] A. I was responsible.

[10] Q. And as a result of the  
[11] calculation error or the errors in those  
[12] documents, is it correct that Amtren was  
[13] assessed a penalty of \$1,012.05?

[14] A. According to this letter, they  
[15] were. I wonder if they paid that penalty.

[16] Q. Who would have been responsible  
[17] for paying it?

[18] A. Well, let's see. This right  
[19] here -- sometimes you can do some things.  
[20] This right here is a 941, probably not due  
[21] until January 31st. This is dated March  
[22] 14th, 2005. So I was terminated on April  
[23] 8th. So that notice was just before my

[1] Q. Who was responsible for filling  
[2] out the 941s?

[3] A. I was.

[4] Q. Would you agree that,  
[5] apparently, the 941s were filled out  
[6] incorrectly?

[7] A. Yes. But it was corrected.

[8] Q. It was corrected by the IRS and  
[9] a penalty was assessed; is that correct?

[10] A. That is incorrect.

[11] Q. Well, who corrected it then?

[12] A. I believe I did.

[13] Q. It's your testimony that you  
[14] submitted an incorrect IRS form and the IRS  
[15] notified you that Amtren is being assessed  
[16] this penalty because you submitted an  
[17] incorrect form?

[18] A. And when I called the Internal  
[19] Revenue Service, we determined, I believe,  
[20] that it was the weeks that were incorrect  
[21] and -- I don't believe Amtren ever paid the  
[22] penalty.

[23] Q. That's not my question. Listen

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[1] termination.

[2] Q. But you agree that this notice  
[3] that's identified as Defendant's Exhibits 5  
[4] and 6 pertain to the time that you had  
[5] responsibility for performing these duties;  
[6] is that correct?

[7] A. Yes.

[8] Q. And you will agree that because  
[9] you failed to perform your duties correctly,  
[10] Amtren was assessed a penalty of \$1,012.05;  
[11] is that correct?

[12] A. I would not agree with that.

[13] Q. Why was Amtren assessed that  
[14] penalty, then?

[15] A. According to this, it was  
[16] because of a calculation error. But that  
[17] could be a lot of different things. For one  
[18] thing, if I recall correctly, this right  
[19] here, when I received this notice, most of  
[20] it was due to the fact that the incorrect  
[21] week numbers were listed on the 941. But  
[22] again, I would have to see the 941s to be  
[23] able to --

[1] to my question. I think the testimony is  
[2] going to show they had to pay it, but that's  
[3] not material at this point. You will agree  
[4] -- strike that. Is it correct that this  
[5] penalty was assessed because of an error you  
[6] made in filing the forms on behalf of  
[7] Amtren?

[8] A. It would appear to be.

[9] Q. When you received the documents  
[10] identified as Exhibits 5 and 6, did you  
[11] inform Mr. Lamberth of this problem?

[12] A. Yes, I believe did.

[13] Q. What did you tell him?

[14] A. To the best of my memory, that  
[15] there was a penalty; that I was researching  
[16] it and would try to correct it. But I don't  
[17] recall -- I do believe I informed him about  
[18] it, though.

[19] Q. Was anyone present when you told  
[20] him about this?

[21] A. No.

[22] Q. Did you correct this error  
[23] before you left?

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[1] A. I believe I did. I believe I  
[2] did.  
[3] Q. Whose handwriting is this on the  
[4] first page of Defendant's Exhibit 6 that has  
[5] some numbers, 94-11342?  
[6] A. I have no idea.  
[7] Q. That's not your handwriting?  
[8] A. No.  
[9] Q. Is this 185 here your  
[10] handwriting?  
[11] A. It doesn't look like it.  
[12] Q. Let me direct your attention to  
[13] document number 0298, which is a part of  
[14] Defendant's Exhibit 6. This indicates a  
[15] balance due of \$1,556.56; is that correct?  
[16] A. That is what this says, yes.  
[17] Q. Do you know what that dollar  
[18] amount represents?  
[19] A. I'm not real sure. I would have  
[20] to study the 941.  
[21] Q. It is your testimony that you  
[22] took care of this before you left; is that  
[23] correct?

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[1] A. I said I believe I did.  
[2] Q. Let me show you what has been  
[3] marked Defendant's Exhibit 7. Documents  
[4] number 0302 and 0303. Have you ever seen  
[5] these documents before?  
[6] (Whereupon, a document was  
[7] marked as Defendant's Exhibit 7 and is  
[8] attached to the original transcript.)  
[9] A. (Witness reviews documents.)  
[10] I'm not sure.  
[11] Q. What is the date --  
[12] A. I probably did.  
[13] Q. What's the date of the document  
[14] up in the right-hand corner?  
[15] A. 4/18/2005.  
[16] Q. You would agree that that amount  
[17] identified in the document, Defendant's  
[18] Exhibit 6, is the same amount in -- strike  
[19] that. You would agree that the amount in  
[20] which the IRS is demanding payment in  
[21] Defendant's Exhibit 7 of \$1,594.56 is the  
[22] same amount here, plus the additional  
[23] penalty that's added here for it not being

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[1] paid here as in Defendant's Exhibit 6?  
[2] A. This is 1556 plus 271. So, no,  
[3] they don't agree.  
[4] Q. Is the penalty that's identified  
[5] in Defendant's Exhibit 7, the penalty that  
[6] you think you took care of prior to leaving?  
[7] A. I'm not sure.  
[8] Q. What period is this penalty --  
[9] strike that. Let me direct your attention  
[10] to Defendant's Exhibit 7. What notice does  
[11] this tax period indicate? What is the tax  
[12] period that this notice indicates it applies  
[13] to?  
[14] A. It says here tax period  
[15] 12/31/2004.  
[16] Q. May I see the document?  
[17] A. Sure.  
[18] Q. Is it correct that during the  
[19] tax period ending December 31, 2004 you were  
[20] responsible for making the tax payments to  
[21] the IRS?  
[22] A. On the 941s, yes.  
[23] Q. Does this apply to a 941?

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[1] A. Yes.  
[2] Q. Defendant's Exhibit 7 applies to  
[3] a 941; is that correct?  
[4] A. Is that ??  
[5] Q. Yes.  
[6] A. Yes.  
[7] Q. Is it correct that Defendant's  
[8] Exhibit 7 indicates that these taxes were  
[9] not paid timely?  
[10] A. I really don't know what it's  
[11] trying to indicate. I can't tell.  
[12] Q. You would agree that that notice  
[13] indicates that there's an interest and  
[14] penalty because the taxes were not timely  
[15] paid; is that correct?  
[16] A. That's what the notice says, our  
[17] records indicate you haven't paid the amount  
[18] you owe.  
[19] Q. It is your responsibility for  
[20] making certain those taxes were being paid  
[21] during that time frame; is that correct?  
[22] A. Yes.  
[23] Q. Would you agree that that was an

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[1] error on your part?  
[2] A. No.  
[3] Q. Why was it not an error?  
[4] A. I need to see all the forms and  
[5] see exactly what happened before I would  
[6] make that statement on my part.  
[7] Q. Is it your testimony that you do  
[8] not recall the circumstances under -- why  
[9] the taxes were not paid for the tax period  
[10] ending December 31, 2004?  
[11] A. I don't recall. But that's what  
[12] that notice says.  
[13] MR. JACOBS: Rick, can we take a  
[14] short break?  
[15] MR. TRAWICK: Sure.  
[16] (Brief recess.)  
[17] Q. (By Mr. Trawick) Let me show  
[18] you what has been marked Defendant's Exhibit  
[19] 8 that is -- consists of documents 0024, 25,  
[20] 26, and 27 that have been produced to your  
[21] attorney and ask if you've seen those  
[22] documents before.  
[23] (Whereupon, a document was

[1] filed were not correct?  
[2] A. May I see that document?  
[3] Q. Sure.  
[4] A. Please ask your question again.  
[5] Q. Would you agree that documents  
[6] identified as Defendants's Exhibit 8  
[7] indicate that the IRS is telling Amtren that  
[8] the tax documents you filed were not  
[9] correct?  
[10] A. That's what it's saying, yes.  
[11] Q. Let me show you what's been  
[12] marked as Defendant's Exhibit 9, which is  
[13] also document number 0030. Take a second  
[14] and look at that document.  
[15] (Whereupon, a document was  
[16] marked as Defendant's Exhibit 9 and is  
[17] attached to the original transcript.)  
[18] A. (Witness reviews document.)  
[19] Okay.  
[20] Q. What is the tax period that that  
[21] document references?  
[22] A. March 31, 2004.  
[23] Q. Tax period ending on March 31,

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[1] marked as Defendant's Exhibit 8 and is  
[2] attached to the original transcript.)  
[3] A. Probably in the package  
[4] documents.  
[5] Q. Do you know what those documents  
[6] are?  
[7] A. This shows -- this is a notice.  
[8] I mean, it's a notice from the IRS.  
[9] Q. Have you seen documents like  
[10] this before?  
[11] A. I've seen documents like this,  
[12] yes.  
[13] Q. You would agree this is for the  
[14] tax period ending March 31, 2005; is that  
[15] correct?  
[16] A. Yes.  
[17] Q. And is it correct that for the  
[18] tax period ending March 31, 2005 you were  
[19] responsible for filing the taxes on behalf  
[20] of Amtren?  
[21] A. Yes.  
[22] Q. Would you agree that this  
[23] indicates that the tax returns that you

[1] 2004?  
[2] A. That's what it says, yes.  
[3] Q. Do you recall receiving that  
[4] document?  
[5] A. I may have, yes.  
[6] Q. In fact, the date of the notice  
[7] of the document is April 12, 2004; is that  
[8] correct?  
[9] A. Yes.  
[10] Q. Is it also correct that these  
[11] type of documents would have gone to you at  
[12] Amtren?  
[13] A. Yes.  
[14] Q. Is it also correct that this  
[15] document indicates that -- this document,  
[16] meaning Defendant's Exhibit 9, indicates  
[17] that the tax documents that you filed on  
[18] behalf of Amtren were incorrect?  
[19] A. No. I believe all this document  
[20] states is they could not identify the tax  
[21] period -- that's all -- on the remittance.  
[22] It's not saying anything was incorrect.  
[23] Q. Who was responsible for



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[1] indicating the tax period on the federal tax  
[2] deposit?  
[3] A. You know, I would have to see  
[4] the records, but I believe at that point in  
[5] time, it was the bank, MidSouth Bank in  
[6] Dothan.  
[7] Q. Did you bring this to the  
[8] attention of Mr. Lamberth?  
[9] A. I don't recall.  
[10] Q. Is this something you would have  
[11] typically brought to his attention or should  
[12] have brought to his attention?  
[13] A. I may have. I may not have. I  
[14] don't think that would have been a -- all I  
[15] it's saying is they couldn't identify the  
[16] tax period. That's all it's saying.  
[17] Q. Is this something you should  
[18] have brought to the attention of  
[19] Mr. Lamberth?  
[20] A. Maybe so.  
[21] Q. Yes or no? It's a simple  
[22] question.  
[23] A. Yes.

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[1] Q. Did you bring it to his  
[2] attention?  
[3] A. I don't recall. I probably did.  
[4] Q. And it's your testimony that  
[5] this was an error on the bank's part, not  
[6] your part; is that correct?  
[7] A. I'm not sure.  
[8] Q. Could have been an error on your  
[9] part?  
[10] A. Probably not. Not during that  
[11] time period, no.  
[12] Q. Why not?  
[13] A. Because I didn't remit the tax  
[14] during that time. I mean, I didn't actually  
[15] fill out the form.  
[16] Q. Who filled out the form?  
[17] A. I believe it was the bank.  
[18] Q. When did you stop filling out  
[19] the form?  
[20] A. I don't remember. I'll have to  
[21] look at the records to --  
[22] Q. Then how do you know it wasn't  
[23] during this time frame if you don't remember

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[1] when you stopped filling out the form?  
[2] A. I said I don't believe it was.  
[3] Q. So could have been?  
[4] A. Could have been.  
[5] Q. Let me show you what's been  
[6] marked as Defendant's Exhibit 10. Take a  
[7] look at that document.  
[8] (Whereupon, a document was  
[9] marked as Defendant's Exhibit 10 and is  
[10] attached to the original transcript.)  
[11] A. (Witness reviews document.)  
[12] Uh-huh.  
[13] Q. Do you recall receiving that  
[14] document?  
[15] A. I probably did.  
[16] Q. Okay. What's that document  
[17] indicate?  
[18] A. Can I see this one?  
[19] Q. Sure. This one meaning  
[20] Defendant's Exhibit 9?  
[21] A. Yes.  
[22] Q. Okay.  
[23] A. Okay. Indicates they could not

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[1] determine the tax period once again.  
[2] Q. On another document? On another  
[3] tax return; is that correct?  
[4] A. Payroll tax remittance. Yes.  
[5] Q. Is this something you should  
[6] have brought to the attention of  
[7] Mr. Lamberth?  
[8] A. Yes. Sure.  
[9] Q. Is it correct that you do not  
[10] know whether or not you filled out the tax  
[11] form that Defendant's Exhibit 10 applies to  
[12] or the bank?  
[13] A. I'm pretty sure it wasn't me.  
[14] Q. Why's that?  
[15] A. I had just started that January  
[16] of 2004. That's dated March 2004. The bank  
[17] was, I believe, doing it at that time.  
[18] Q. Okay. And it's your testimony  
[19] you don't recall when you started doing it;  
[20] is that correct?  
[21] A. That's correct.  
[22] Q. Let me show you what's been  
[23] marked Defendant's Exhibit 11, which is also



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[1] document 0032. Do you recall receiving this  
[2] document?

[3] (Whereupon, a document was  
[4] marked as Defendant's Exhibit 11 and is  
[5] attached to the original transcript.)

[6] A. I probably did.

[7] Q. Is it correct that this document  
[8] is notifying you that there's a problem with  
[9] the tax return that was filed on behalf --

[10] A. Again, it was the same thing.

[11] They just couldn't determine the tax  
[12] period --

[13] Q. Who did you talk with at the  
[14] bank about this problem?

[15] A. I don't remember. I don't  
[16] remember talking to the bank about it. I  
[17] don't know. I just don't recall. It was a  
[18] long time ago.

[19] Q. You would agree that this is a  
[20] significant problem that's identified in  
[21] Defendant's Exhibits 9, 10, and 11, that tax  
[22] returns are not being filed correctly?

[23] A. I would agree that it is an

[1] Is that correct?

[2] A. Yes.

[3] Q. Were there ever any problems  
[4] with those payments?

[5] A. Not that I would consider major  
[6] problems. They were all paid.

[7] Q. What were the minor problems,  
[8] then?

[9] A. Well, I don't -- in my opinion,  
[10] there weren't any as far as payment.

[11] Q. Were the payments always on  
[12] time?

[13] A. They were in a timely fashion.

[14] Q. That's not my question. Do you  
[15] want me to repeat my question?

[16] A. They were made in a timely  
[17] fashion.

[18] Q. Were they made by the date that  
[19] they were due?

[20] A. I believe they were.

[21] Q. Were the insurance payments made  
[22] in advance of the time period -- let me  
[23] rephrase that. It's a bad question. Were

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[1] issue that needed to be corrected if the IRS  
[2] couldn't determine the tax periods.

[3] Q. Okay. And you don't recall  
[4] whether or not you filed those returns or  
[5] whether or not the bank filed those returns;  
[6] is that correct?

[7] A. The remittance, that would be  
[8] correct. I do not recall, but I believe it  
[9] was the bank. Excuse me. Let me retract  
[10] that, because I had just started working  
[11] there.

[12] Q. And you don't recall talking to  
[13] the bank about this problem?

[14] A. I don't remember.

[15] Q. Is it correct you did not recall  
[16] at this time discussing this issue with the  
[17] bank?

[18] A. I don't really remember, but I  
[19] may have.

[20] Q. You previously testified that it  
[21] was your responsibility during the time that  
[22] you were at Amtren to make the payments on  
[23] behalf of Amtren to Blue Cross Blue Shield;

[1] the insurance payments made monthly or  
[2] quarterly?

[3] A. I believe it was monthly.

[4] Q. Is it correct that, for example,  
[5] the payment for the month of March would  
[6] have been due in February?

[7] A. I'm not really sure exactly when  
[8] it would have been due. I would need to see  
[9] an invoice.

[10] Q. You don't recall one way or the  
[11] other?

[12] A. To the best of my recollection,  
[13] it would have been due by the 10th of the  
[14] month that it was covering, or the 5th. I  
[15] don't exactly remember, but it was not -- to  
[16] the best of my knowledge, you know, if it  
[17] was to cover the month of March, it would  
[18] have been due March 1st.

[19] Q. Let me show you what's been  
[20] marked as Defendant's Exhibit 12. Do you  
[21] recall receiving this document from Blue  
[22] Cross Blue Shield?

[23] (Whereupon, a document was

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[11] marked as Defendant's Exhibit 12 and is  
[12] attached to the original transcript.)  
[13] A. Yes, I believe so.  
[14] Q. Does this indicate that the  
[15] payment has not been made on time?  
[16] A. This does have a previous  
[17] balance on it.  
[18] Q. So your testimony previously  
[19] that the payments were made on time is  
[20] incorrect; is that correct?  
[21] A. According to this document,  
[22] that's what would appear to be so.  
[23] Q. Do you have reason to dispute  
[24] that document?  
[25] A. No, I don't. But the document  
[26] does indicate -- see, this portion was  
[27] probably already paid because I wrote only  
[28] to pay this amount, the current portion  
[29] due. So the checks were probably crossed up  
[30] in the mail. This document process date is  
[31] 3/18. So the check was probably crossed up  
[32] in the mail. I have a notation. This is my  
[33] handwriting.

[11] date is 4/15/05. I was terminated on 4/8.  
[12] Now, may I say one other thing? Exhibit  
[13] Number 12 indicates that it was entered on  
[14] 4/11. This is my handwriting to pay that.  
[15] Again, I was terminated on 4/8.  
[16] Q. But you would agree that  
[17] Defendant's Exhibit 12 applies to a payment  
[18] that was due in March that wasn't received?  
[19] A. Let's see. That's what the  
[20] document says, but it was probably already  
[21] paid. That's why I told them just to pay  
[22] that portion.  
[23] Q. Again, if it had been timely  
[24] paid, this document would not have been  
[25] generated; is that correct?  
[26] A. Okay. Well, you'll have to ask  
[27] Blue Cross Blue Shield.  
[28] Q. Is it your testimony that you  
[29] believe this document was generated by Blue  
[30] Cross even though they received a payment  
[31] with a previous balance of \$6,960?  
[32] A. What could have happened was the  
[33] check was crossed up in the mail. They may

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[11] Q. Only pay the amount of \$6,810;  
[12] is that correct?  
[13] A. Yeah, because the other portion  
[14] had already been paid. The amount past due  
[15] had already been paid.  
[16] Q. So it wasn't timely made, then;  
[17] is that correct?  
[18] A. Okay.  
[19] Q. All right. Let me show you  
[20] what's been marked as Defendant's Exhibit  
[21] 13. Do you recall receiving this document?  
[22] (Whereupon, a document was  
[23] marked as Defendant's Exhibit 13 and is  
[24] attached to the original transcript.)  
[25] A. No.  
[26] Q. Does this document indicate that  
[27] the March payment was not made timely?  
[28] A. I don't believe so. Huh-uh.  
[29] No. That's not what it's saying.  
[30] Q. What's it saying, then?  
[31] A. This says that there was an  
[32] adjusted previous balance of \$7,980, and the  
[33] current amount due is \$6,810. This process

[11] have had the payment and didn't have time to  
[12] post it. It happens in accounting all of  
[13] the time.  
[14] Q. It's your testimony, then, it  
[15] was made on time; is that correct?  
[16] A. I think I've already answered  
[17] that question.  
[18] Q. Answer it again.  
[19] A. I'm not sure. I would have to  
[20] see the check date.  
[21] Q. Let me show you again  
[22] Defendant's Exhibit 13. The process date of  
[23] this document is April 5, 2005. Would you  
[24] agree with that?  
[25] A. The process date is April 15,  
[26] 2005. I was terminated on 4/8.  
[27] Q. What's this date over here in  
[28] the left-hand corner?  
[29] A. Amount applied to this invoice  
[30] -- this is the process -- this says that  
[31] this \$6,960 was processed on 4/5, when that  
[32] payment was received on 4/5.  
[33] Q. Which made it late?

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[1] A. I believe that's what it says.  
[2] Q. Okay. Thank you. Isn't it  
[3] correct, Ms. McCollum, that you instructed  
[4] Lisa McNamee to hold payments and make  
[5] payments to Blue Cross during the grace  
[6] period and not to make them on time?  
[7] A. No.  
[8] Q. You deny that, then?  
[9] A. Yes.  
[10] Q. So if Ms. McNamee testified to  
[11] that, she would be lying; is that correct?  
[12] A. I answered your question. I'm  
[13] not going to say if Ms. McNamee lies or not.  
[14] Q. It's my understanding that she  
[15] is going to testify that you instructed her  
[16] to do that.  
[17] A. That's fine. It's my testimony  
[18] that I didn't.  
[19] Q. Okay. Do you recall the  
[20] circumstances under which Amtren's credit  
[21] card processor with Chase Visa was  
[22] cancelled?  
[23] A. Yes.

[1] basically, they take your credit cards as  
[2] their customer and charge the money and  
[3] process it to your account.  
[4] Q. Did you have any involvement  
[5] with this?  
[6] A. Yes, I did.  
[7] Q. Tell me your involvement.  
[8] A. I processed some of the credit  
[9] cards for payment of the systems.  
[10] Q. Which ones did you process?  
[11] A. You know, I don't know. I  
[12] believe American Express, and -- I'm not  
[13] sure of them all.  
[14] Q. Just so the record is clear, who  
[15] had the credit cards that were being  
[16] processed?  
[17] A. What do you mean? What period  
[18] of time or -- I don't know.  
[19] Q. You testified that --  
[20] A. Are you talking about the bad  
[21] credit cards?  
[22] Q. You testified that -- it's my  
[23] understanding your testimony is that this

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[1] Q. What were the circumstances  
[2] surrounding that?  
[3] A. What I recall was charge backs  
[4] that occurred -- excessive charge backs, and  
[5] those charge backs resulted in the credit  
[6] card processor basically blackballing  
[7] Amtren. The charge backs occurred because  
[8] Mr. Lamberth sold three systems to somebody  
[9] in a Middle East country and took three bad  
[10] credit cards and processed those credit --  
[11] under his instruction, I processed those  
[12] credit cards. The credit card company then  
[13] blackballed us because of excessive charge  
[14] backs.  
[15] Q. When were those systems sold and  
[16] to whom?  
[17] A. I'm not really sure. I know I  
[18] don't have the exact date, and I would have  
[19] to see all the documentation and the credit  
[20] cards and everything.  
[21] Q. Just so the record is clear,  
[22] tell me what a credit card processor is.  
[23] A. It is my knowledge that,

[1] was cancelled because of excessive charge  
[2] backs.  
[3] A. Yes.  
[4] Q. Just so the record is clear,  
[5] what do you mean by these excessive charge  
[6] backs?  
[7] A. Charge backs that occurred  
[8] through the, I believe it was, three systems  
[9] that Mr. Lamberth sold to some Middle  
[10] Eastern country or people from that area  
[11] because the credit cards were no good.  
[12] Q. What do you mean no good?  
[13] A. They were no good. I don't know  
[14] if they were stolen or what, but they were  
[15] not good credit cards.  
[16] Q. Just so the record is clear, is  
[17] it your testimony that Mr. Lamberth sold  
[18] some products of Amtren?  
[19] A. Uh-huh.  
[20] Q. To three different individuals  
[21] or companies?  
[22] A. I really don't know if it was  
[23] three different companies or individuals. I

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(1) know they were from the Middle East or some  
(2) third world country.  
(3) Q. So you are going to retract the  
(4) three systems?  
(5) A. No. I believe it was three  
(6) systems.  
(7) Q. Just so the record is clear,  
(8) it's your testimony that Mr. Lamberth sold  
(9) three systems to someone in a Middle Eastern  
(10) country.  
(11) A. In a third world country.  
(12) Q. In a third world country.  
(13) A. Or something like that.  
(14) Q. And they paid with these -- paid  
(15) for these systems with a credit card?  
(16) A. Correct.  
(17) Q. And you don't recall which  
(18) credit card?  
(19) A. No.  
(20) Q. And these credit cards were no  
(21) good?  
(22) A. That's correct.  
(23) Q. And when the charges on the

(1) marked as Defendant's Exhibit 14, which is  
(2) also document 0040. Do you recall receiving  
(3) this document?  
(4) (Whereupon, a document was  
(5) marked as Defendant's Exhibit 14 and is  
(6) attached to the original transcript.)  
(7) A. Yes.  
(8) Q. Whose handwriting is on that  
(9) document?  
(10) A. Mine.  
(11) Q. Okay. Is it correct that this  
(12) document is from Chase Merchant Services  
(13) notifying Amtren that the merchant services  
(14) account has been cancelled?  
(15) A. Yeah, I believe that's what it  
(16) -- let's see. Yes.  
(17) Q. It's your testimony that this  
(18) was cancelled because of excessive charge  
(19) backs?  
(20) A. From my understanding, yes.  
(21) Q. This notice states that it's  
(22) being cancelled because of an overdue unpaid  
(23) charge of \$118.41; is that correct?

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(1) credit cards were processed, Chase Visa  
(2) determined that the credit cards were no  
(3) good; is that correct?  
(4) A. I believe so.  
(5) Q. And because the credit cards  
(6) were no good, Chase Visa charged it back to  
(7) Amtren; is that correct?  
(8) A. Yes.  
(9) Q. Do you know when those three  
(10) systems were sold?  
(11) A. I don't recall.  
(12) Q. Do you recall when you received  
(13) notification of the charge backs?  
(14) A. I saw the charge backs coming  
(15) through the bank system when I checked the  
(16) bank accounts on-line.  
(17) Q. Do you remember when that was?  
(18) A. No.  
(19) Q. Well, do you recall when the  
(20) credit card processor was cancelled?  
(21) A. Not exactly, no. Just before I  
(22) left. I don't remember exactly when.  
(23) Q. Let me show you what's been

(1) A. Yes, that's what it says.  
(2) Q. Who was responsible for paying  
(3) this \$118.41?  
(4) A. The \$118.41 would have been  
(5) drafted from our bank accounts, and that's  
(6) the way the credit card processors collected  
(7) their fees. So they would have been drafted  
(8) by the bank accounts by the credit card  
(9) processor. After this transaction with the  
(10) fraudulent credit card companies, I believe,  
(11) under Mr. Lamberth's instruction, he signed  
(12) bank cards so that you couldn't debit  
(13) certain accounts or take money from them.  
(14) It happened to be the account that the  
(15) credit card companies used to debit those  
(16) fees. They were unable to debit those fees.  
(17) Q. So it's your testimony that it  
(18) was Mr. Lamberth's fault that this \$118.41  
(19) was not paid?  
(20) A. I'm saying that he changed the  
(21) debts on the accounts, and the credit card  
(22) company could not debit the accounts.  
(23) Q. Did you receive any notices



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(11) prior to receiving Defendant's Exhibit 14  
(12) that there's an unpaid charge of \$118.41?  
(13) A. You know, I don't recall. I  
(14) don't remember. I apparently tried to do  
(15) something. My handwriting and notes are all  
(16) over this.  
(17) Q. You would agree, would you not,  
(18) that typically Chase Merchant Services  
(19) provides some notification of an unpaid  
(20) charge prior to cancelling the account?  
(21) A. I would assume that they  
(22) should. I don't know if they did.  
(23) Q. When did you discuss this with  
(24) Mr. Lamberth?  
(25) A. I don't remember the exact time,  
(26) but just as soon as I found out.  
(27) Q. Did you find out before or when  
(28) you received Defendant's Exhibit 14?  
(29) A. I believe when I received  
(30) Defendant's Exhibit 14.  
(31) Q. Tell me about your conversation  
(32) with Mr. Lamberth when you received  
(33) Defendant's Exhibit 14.

(1) Q. It's a very significant problem,  
(2) is it not?  
(3) A. I would agree it is a problem.  
(4) Q. Well, it's not a significant  
(5) problem? Just a problem?  
(6) A. I would agree it is a problem.  
(7) Q. Okay. And it's your testimony  
(8) that prior to receiving Defendant's Exhibit  
(9) 14 you had no information that there was a  
(10) problem?  
(11) A. I don't recall.  
(12) Q. You may have received some  
(13) information?  
(14) A. May have.  
(15) Q. All right. Then when  
(16) Mr. Lamberth testifies that you failed to  
(17) notify him about this, you can't refute  
(18) that; is that correct?  
(19) A. Please restate that question.  
(20) Q. It is my understanding there  
(21) will be testimony that you received notice  
(22) regarding a problem with this account prior  
(23) to receiving Defendant's Exhibit 14 and that

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(1) A. All I recall is that I did  
(2) notify him about what was going on with the  
(3) credit card processors. You know, that's  
(4) about all I can exactly remember. I know  
(5) that we eventually, I think, even contacted  
(6) you about it.  
(7) Q. You and I have never spoken  
(8) prior to this deposition, Ms. McCollum.  
(9) A. We haven't.  
(10) Q. No, we haven't.  
(11) A. It was somebody from this firm.  
(12) I'm sorry. You're right. I believe it was  
(13) somebody from this firm.  
(14) Q. Is it correct that your  
(15) testimony is prior to receiving Defendant's  
(16) Exhibit 14, you did not know of any problems  
(17) with this account with Chase Merchant  
(18) Services?  
(19) A. I don't remember any.  
(20) Q. You would agree that this is a  
(21) pretty significant problem?  
(22) A. I would agree it is a problem.  
(23) Yes.

(1) you failed to notify anyone regarding the  
(2) problem. Is it your testimony you can't  
(3) refute that because you just don't know?  
(4) A. Right. I don't remember.  
(5) MR. TRAWICK: Let's take a  
(6) break.  
(7) (Brief recess.)  
(8) Q. (By Mr. Trawick) Ms. McCollum,  
(9) let me direct your attention back to  
(10) Defendant's Exhibit 14. Is it correct that  
(11) Amtren had an account with Chase Merchant  
(12) Services to process credit cards? Is that  
(13) an accurate statement?  
(14) A. It was — you know, I would have  
(15) to see all the documentation because there  
(16) was an agreement through Web Master and  
(17) several other things. I don't know if it  
(18) was Chase. I just don't know. The credit  
(19) card processing companies are massive.  
(20) Q. I understand, but —  
(21) A. That letter is from Chase  
(22) Merchant Services.  
(23) Q. And it's your testimony you



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[1] don't know if Amtren had an account with  
[2] Chase that was cancelled?  
[3] A. According to that Exhibit  
[4] Number 14, that would appear to be the case.  
[5] Q. Did you have any involvement  
[6] with Chase prior to receiving Defendant's  
[7] Exhibit 14?  
[8] A. I don't recall if I did. I may  
[9] have. Well, when you say -- I'm sure I  
[10] processed a credit card. If they were the  
[11] processors, then it would have gone through  
[12] their processing.  
[13] Q. It's your testimony, then, that  
[14] you just don't recall one way or the other  
[15] if you had any duties that related to Chase  
[16] Merchant Services?  
[17] A. I did process some credit cards,  
[18] and it probably did go through the Chase  
[19] Merchant Services processing department, I  
[20] assume.  
[21] Q. Tell me what that means.  
[22] A. That means running the credit  
[23] card through and receiving payment.

[1] A. Okay. Let's say there was  
[2] something for, you know, a purchase that was  
[3] made.  
[4] Q. By whom?  
[5] A. By a customer.  
[6] Q. From Amtren?  
[7] A. Yes. I would, upon receiving  
[8] the credit card information, enter that  
[9] information.  
[10] Q. Into what?  
[11] A. I believe it was manual at one  
[12] time. I don't recall what time period -- at  
[13] one time, it was a manual thing. Sometimes  
[14] I had to call it. I just don't remember  
[15] exactly.  
[16] Q. You would manually enter it into  
[17] what?  
[18] A. I'm not sure. I don't  
[19] remember. I'm sorry. I really don't. Some  
[20] of the transactions were called in through  
[21] the telephone to get the approval.  
[22] Q. You would call whom?  
[23] A. I don't remember. There's

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[1] Q. What did you do?  
[2] A. Ran the credit card through and  
[3] completed the transaction so that we would  
[4] receive payment.  
[5] Q. Just so the record is clear, so  
[6] the Judge who is reading this will  
[7] understand, when a company would charge --  
[8] purchase something from Amtren and charge it  
[9] to a credit card, would that go to Chase  
[10] Merchant Services and Chase Merchant  
[11] Services would do something with Amtren's  
[12] checking account?  
[13] A. I'm not sure exactly. I would  
[14] need to see all that. How the transactions  
[15] work normally, what happens is that you run  
[16] a credit card, your processor --  
[17] Q. What do you mean by running a  
[18] credit card?  
[19] A. Entering credit card numbers --  
[20] you know, the credit card number, et cetera,  
[21] the amount.  
[22] Q. Give me an example of what you  
[23] did.

[1] probably a 1-800 number somewhere.  
[2] Q. You would call Chase Merchant  
[3] Services?  
[4] A. I just don't recall.  
[5] Q. These charge backs that you  
[6] testified about, were there other charge  
[7] backs prior to the three systems being sold  
[8] to this third world country?  
[9] A. There may have been. I don't  
[10] recall. But those are the three that stand  
[11] out in my recollection.  
[12] Q. Is it correct that when there's  
[13] a charge back, Chase Merchant Services looks  
[14] to Amtren to pay that charge back?  
[15] A. Or whoever -- I would assume  
[16] whoever, the credit card processor, would  
[17] look to their customer whom they process  
[18] that credit card for for payment of that  
[19] charge back. Yes. I don't know if it's  
[20] Chase Merchant or the credit card company.  
[21] Q. Would look to Amtren to pay that  
[22] charge back?  
[23] A. Yes.

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[1] Q. What was the process by which  
[2] Amtren would pay that charge back?  
[3] A. I'm not sure.  
[4] Q. Did you ever receive any  
[5] documentation that either Chase Merchant  
[6] Services or a credit card company had made a  
[7] draft on Amtren's checking accounts for a  
[8] charge back?  
[9] A. Okay. That may be the way they  
[10] got it through the bank. Yeah. You're  
[11] right. I'm sorry.  
[12] Q. It is correct that those kinds  
[13] of documents came to you, and you were  
[14] advised of that since you were responsible  
[15] for the checking accounts?  
[16] A. I was responsible for the  
[17] checking account, and I assume those  
[18] documents would have come to me, yes.  
[19] Q. So even though you don't recall  
[20] at the present time other than there were  
[21] some charge backs, you would have been  
[22] notified through some documentation that  
[23] either Chase Merchant Services or a credit

[1] Q. You would get some kind of  
[2] documentation from whoever deducted the  
[3] money from the account that we deducted X  
[4] amount of dollars and here's the reason we  
[5] deducted X amount of dollars; is that  
[6] correct?  
[7] A. I would assume so.  
[8] Q. And you routinely received such  
[9] documentation, did you not?  
[10] A. I probably did.  
[11] Q. Ms. McCollum, this is nuts.  
[12] Strike that. Is it your testimony that  
[13] sitting here today, you don't recall what  
[14] your duties were regarding the balancing of  
[15] checking accounts and whether or not you  
[16] received any documentation from companies  
[17] that they were deducting money from Amtren's  
[18] checking account?  
[19] A. No, that is not my testimony.  
[20] Q. Is it correct, then, that you  
[21] routinely received documentation from Chase  
[22] Merchant Services or other processing  
[23] companies that money was being deducted from

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[1] card processing company had attempted to  
[2] deduct some money from Amtren's checking  
[3] account because of a charge back; is that  
[4] correct?  
[5] A. I would assume they would notify  
[6] me, yes.  
[7] Q. Are you testifying they could  
[8] have deducted money from Amtren's checking  
[9] accounts and you wouldn't have known  
[10] anything about it?  
[11] A. They couldn't have done it if  
[12] somebody didn't give them authorization, and  
[13] that would have been Kirk Lamberth.  
[14] Q. Okay. Assuming they had  
[15] authorization, is it your testimony that  
[16] they could have deducted the money and you  
[17] would not have known through any  
[18] documentation that the money was deducted  
[19] from the account?  
[20] A. I would know the money was  
[21] deducted from the account, because I  
[22] reconciled the bank statement. So I'd know  
[23] if money was deducted from the account.

[1] Amtren's checking account?  
[2] A. I don't recall receiving the  
[3] exact documentation. I would have known the  
[4] money was deducted because I reconciled the  
[5] bank accounts.  
[6] Q. How would you have known the  
[7] money was deducted?  
[8] A. Because I reconciled the bank  
[9] accounts.  
[10] Q. You would get some kind of  
[11] document indicating that money was deducted  
[12] from the account, would you not?  
[13] A. I may have.  
[14] Q. How --  
[15] A. I mean, I'm just saying, I may  
[16] have. But it would have been deducted from  
[17] the account. When you reconciled the bank  
[18] statement, you would see the money being  
[19] removed and by whom.  
[20] Q. Would there be any notification  
[21] other than the bank statement that you  
[22] received from the bank?  
[23] A. There may have been.

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[11] Q. What kind of documentation would  
[12] that have been, then?  
[13] A. I would assume a notice of some  
[14] sort, you know. I'm not really sure.  
[15] Q. You just don't recall ever  
[16] receiving a notice, then, that money was  
[17] being deducted?  
[18] A. I said I may have.  
[19] Q. Okay. Were there ever occasions  
[20] when the Chase Merchant Services attempted  
[21] to deduct the money from Amtren's checking  
[22] account and there was not money in there  
[23] sufficient for that deduction?  
[24] A. That may have been possible. I  
[25] just don't know. I would have to see the  
[26] bank account.  
[27] Q. You don't recall any specific  
[28] incident when that happened?  
[29] A. I don't recall.  
[30] Q. Whose responsibility would it  
[31] have been to ensure that there was enough  
[32] money in that account to cover that  
[33] deduction?

[11] a significant problem -- or at least a  
[12] problem. You wouldn't say it was  
[13] significant. But it was at least a problem  
[14] that Amtren encountered.  
[15] A. Yes, it was a problem. The  
[16] credit card processing was definitely a  
[17] problem.  
[18] Q. And my question is, prior to  
[19] receiving Defendant's Exhibit 14, were there  
[20] occasions when you received notification  
[21] from Chase Merchant Services that they  
[22] attempted to deduct money from Amtren's  
[23] account to process charges when there was  
[24] not sufficient funds in that account?  
[25] A. I may have.  
[26] Q. But you don't recall that?  
[27] A. I don't.  
[28] Q. Even though it was a problem?  
[29] A. Right.  
[30] Q. Let me show you what's been  
[31] marked as Defendant's Exhibit 15 and ask you  
[32] if you recall seeing that document.  
[33] (Whereupon, a document was

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[1] A. It was my responsibility to  
[2] maintain the checking account, if that's  
[3] what you're asking.  
[4] Q. And it would have been your  
[5] responsibility to ensure that there were  
[6] sufficient funds in that account to cover  
[7] any deductions that Chase Merchant Services  
[8] may have made?  
[9] A. I don't believe that would have  
[10] been all my responsibility.  
[11] Q. Whose responsibility would it  
[12] have been?  
[13] A. There's a lot of factors  
[14] involved. You just can't sit there and say  
[15] -- there's just a lot of factors involved.  
[16] Q. What factors?  
[17] A. Ask the question again. I'm  
[18] getting tired. I'm sorry.  
[19] Q. So am I.  
[20] A. Okay. And I'm trying to  
[21] remember. This was two years ago. It's  
[22] been a long time.  
[23] Q. We've established that this was

[1] marked as Defendant's Exhibit 15 and is  
[2] attached to the original transcript.)  
[3] A. Yes, I do.  
[4] Q. Tell me about that document.  
[5] A. It's a lease agreement for a  
[6] copier.  
[7] Q. Did you get approval to enter  
[8] into this lease agreement?  
[9] A. Yes.  
[10] Q. Who gave you that approval?  
[11] A. Mr. Lambert.  
[12] Q. When did he give you that  
[13] approval?  
[14] A. Prior to me turning in the  
[15] agreement.  
[16] Q. Okay. During the time that you  
[17] were responsible for Amtren's checking  
[18] accounts, were there occasions when the  
[19] checking accounts did not have sufficient  
[20] funds in the accounts and there were charges  
[21] to Amtren because of insufficient funds?  
[22] A. Yes.  
[23] Q. Tell me about that.



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111 A. I'm not really sure. I couldn't  
112 elaborate on that. I would have to look and  
113 see exactly what the insufficient -- the  
114 balances were and insufficient funds were  
115 for.

116 Q. Whose responsibility was it to  
117 ensure that the checking accounts did not  
118 have insufficient funds?

119 A. I guess it was mine.

120 Q. You would agree that that was an  
121 error, then?

122 A. (No response.)

123 Q. You may think it's funny, but I  
124 don't think it's funny.

125 A. I know you don't. That's okay.

126 Q. Did you advise Mr. Lamberth that  
127 Amtren was receiving insufficient funds  
128 charges because of a lack of funds in the  
129 checking accounts?

130 A. I'm sure. I don't remember.  
131 I'm sure I did, you know. He had access to  
132 the on-line records. I just don't remember,  
133 but I'm sure I did.

134 Q. And it's your testimony you did  
135 not receive document numbers 0046, 47, and  
136 48, is that correct?

137 A. Yes.

138 Q. Who would have received these  
139 documents?

140 A. I don't know.

141 Q. Is it correct that documents 46  
142 through 48 are invoices?

143 A. 46 through 48, yes, that's what  
144 it appears to be.

145 Q. Is it correct that you would  
146 have been responsible for paying these  
147 invoices?

148 A. Not those.

149 Q. Why not these?

150 A. That's after my termination  
151 date.

152 Q. That's correct. Is it correct  
153 that documents 42, 43, 44 deal with the  
154 purchase of the Mas90 system?

155 A. I'm not sure what that is. I  
156 believe that's what this is. Mas90, yeah.

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157 Q. Let me show you what's been  
158 marked as Defendant's Exhibit 16, document  
159 0042 through 0048. Have you seen those  
160 documents before?

161 (Whereupon, a document was  
162 marked as Defendant's Exhibit 16 and is  
163 attached to the original transcript.)

164 A. Yes. I believe these are the  
165 ones --

166 THE WITNESS: Didn't we receive  
167 these in the packet?

168 Q. (By Mr. Trawick) Let me  
169 rephrase that question. Do you recall  
170 receiving those documents during the time  
171 you worked at Amtren?

172 A. I couldn't have received those.

173 Q. You could have received --

174 A. I could not have received  
175 those. And I believe I did receive these.

176 Q. You received document numbers  
177 0042, 0043, and 0044 and 0045; is that  
178 correct?

179 A. Yes, I believe I did.

180 But I don't know what that code means, that  
181 code that's on there.

182 Q. Mas90?

183 A. Okay. Yes.

184 Q. I believe you previously  
185 testified that Bobby Lake was the person at  
186 Wilson Price who, for lack of a better word,  
187 trained you on Mas90?

188 A. He was the consultant that  
189 helped us install Mas90, yes.

190 Q. Okay. Was there an occasion  
191 when you informed Mr. Lake that his services  
192 were no longer needed?

193 A. I don't remember, you know,  
194 telling him that, that his services were no  
195 longer needed.

196 Q. Did Amtren have a contract with  
197 Wilson Price for a certain amount of  
198 technical services on installing Mas90?

199 A. Yes.

200 Q. Did you ever reduce that amount  
201 of technical service?

202 A. I don't know. I may have to



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[1] payable accounts?  
 [2] A. Sure, uh-huh.  
 [3] Q. And it's my understanding that  
 [4] Padus -- is that the way you pronounce it?  
 [5] A. I believe that's right. Padus.  
 [6] Q. Would send invoices to Amtren to  
 [7] be paid?  
 [8] A. Yes.  
 [9] Q. I believe it was your  
 [10] responsibility to ensure that those invoices  
 [11] were timely paid?  
 [12] A. Yes.  
 [13] Q. Were there ever any problems  
 [14] with Amtren making timely payments to Padus?  
 [15] A. When you say timely payments,  
 [16] what are the terms?  
 [17] Q. What do you mean by timely  
 [18] payments?  
 [19] A. We tried to pay all of our  
 [20] vendors within 45 days. Sometimes that  
 [21] worked out, and sometimes it didn't. It  
 [22] depended on cash flow.  
 [23] Q. Now, my question is, were there

[1] Q. Were the accounts paid within 45  
 [2] days?  
 [3] A. We tried to.  
 [4] Q. Does that mean that sometimes --  
 [5] A. I'm not going to sit here and  
 [6] say we paid every account in 45 days,  
 [7] because I don't know.  
 [8] Q. Do you know who Elisabetta  
 [9] Benetollo is?  
 [10] A. Does she work for Padus?  
 [11] Q. Yes. It's spelled  
 [12] E-L-I-S-A-B-E-T-T-A, B-E-N-E-T-O-L-L-O.  
 [13] A. Okay.  
 [14] Q. Do you recall her?  
 [15] A. I believe I do.  
 [16] Q. I spelled it for the court  
 [17] reporter, not you.  
 [18] A. I know that.  
 [19] Q. Did you ever have any problems  
 [20] with -- strike that. Do you recall  
 [21] discussing any problems with Ms. Benetollo  
 [22] about problems getting the invoices paid to  
 [23] Padus?

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[1] problems with making timely payments to  
 [2] Padus?  
 [3] A. There may have been. I don't  
 [4] remember.  
 [5] Q. You don't recall any?  
 [6] A. I mean, I don't know. I would  
 [7] have to see the documents.  
 [8] Q. Well, were there lots of  
 [9] accounts that there were problems with  
 [10] making timely payments to?  
 [11] A. No, not in my opinion.  
 [12] Q. Then, if there was a problem  
 [13] with Padus, you should remember that, then;  
 [14] is that correct?  
 [15] A. Maybe I should. It's two years  
 [16] ago. I don't.  
 [17] Q. However, you do recall that  
 [18] there were problems with making timely  
 [19] payments to some of the accounts payable of  
 [20] Amtren; is that correct?  
 [21] A. No, I don't recall that. We  
 [22] tried to pay everybody in 45 days. You  
 [23] know, that was our terms.

[1] A. I don't remember the specifics.  
 [2] I would need to see the documents.  
 [3] Q. What do you remember generally?  
 [4] A. I remember talking to her, I  
 [5] believe. I don't know every piece of the  
 [6] conversation.  
 [7] Q. Well, do you recall generally  
 [8] what the problem was or problems were?  
 [9] A. I don't know if there was a  
 [10] problem.  
 [11] Q. You just don't know --  
 [12] A. If it's regarding payment. Like  
 [13] I said, we tried to pay everyone in 45 days.  
 [14] Q. Did you ever talk with  
 [15] Mr. Lamberth about problems with not paying  
 [16] everyone in 45 days?  
 [17] A. No, not that I remember.  
 [18] Mr. Lamberth was all for paying everybody in  
 [19] 45 days.  
 [20] Q. Was it your responsibility --  
 [21] strike that. Did you have any  
 [22] responsibility with the processing of orders  
 [23] from Amtren's customers?

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(1) A. Yes.

(2) Q. Tell me what those duties were.

(3) A. Putting the purchase order into  
(4) the software system.

(5) Q. Where did you obtain the  
(6) information that was put into Mas90?

(7) A. Through the customer purchase  
(8) order.

(9) Q. Were there occasions when the  
(10) purchase customer order did not reflect a  
(11) price increase at Amtren?

(12) A. Not that I'm aware of.

(13) Q. You're not aware of any occasion  
(14) where you accepted purchase orders at the  
(15) lower incorrect price and placed those  
(16) purchase orders into Mas90 at the lower  
(17) price and the products were shipped at a  
(18) lower price?

(19) A. No.

(20) Q. No one ever talked with you  
(21) about that, is that correct?

(22) A. That's correct.

(23) Q. Were there ever occasions when

(1) have known it at the time you entered it,  
(2) did you learn later that it was incorrect?

(3) A. Regarding what specific  
(4) incident?

(5) Q. Any purchase orders.

(6) A. I may have.

(7) Q. What do you recall about that?

(8) A. Not much. I really don't know  
(9) what you're talking about. I'm sorry. I  
(10) don't. You're going to have to be more  
(11) specific and give me a specific incident.

(12) Q. Ms. McCollum, I'm not the one  
(13) that entered into Mas90.

(14) A. No. But you're asking the  
(15) questions, so you're going to have to be  
(16) more specific.

(17) Q. Well, I'm asking if there were  
(18) occasions when you entered incorrect  
(19) information into Mas90 about purchase orders  
(20) and later found out it was incorrect. Yes  
(21) or no?

(22) A. I may have.

(23) Q. Okay. Do you recall any facts

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(1) you entered incorrect information into Mas90  
(2) about the purchase orders and that incorrect  
(3) information was brought to your attention by  
(4) either the vendor or someone at Amtren?

(5) A. I'm sorry. I'm not sure what  
(6) you're talking about.

(7) Q. Were there occasions when you  
(8) entered incorrect information into Mas90  
(9) about purchases?

(10) A. If I did, I didn't know it was  
(11) incorrect at the time.

(12) Q. When would you have learned that  
(13) it was incorrect, then?

(14) A. I don't know. You're going to  
(15) have to be more specific and tell me what it  
(16) was that was supposedly entered incorrectly.

(17) Q. To your knowledge -- strike  
(18) that. You don't recall ever entering any  
(19) incorrect information into Mas90 regarding  
(20) purchase orders?

(21) A. Yeah. Not at the time I entered  
(22) it. I don't recall that, no.

(23) Q. Well, even though you might not

(1) about those instances?

(2) A. The only one I can think of is  
(3) that Plextor one. That's all I can think  
(4) of.

(5) Q. Nothing else?

(6) A. No.

(7) Q. Were there occasions when  
(8) vendors of Amtren refused to ship materials  
(9) because they hadn't been paid within the 45  
(10) days?

(11) A. Not that I'm aware of.

(12) Q. What is a product billed  
(13) materials assembly? Do you know?

(14) A. Yes.

(15) Q. Tell me what it is.

(16) A. It is a bill of material. It is  
(17) basically sort of a guide, if you will, on  
(18) the parts needed to build a specific --  
(19) manufacture a specific unit. It is a list  
(20) of materials needed. It's just a guide of  
(21) materials.

(22) Q. Did you have any responsibility  
(23) for entering bills of materials into Mas?

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[1] A. Yes.

[2] Q. Were there occasions when you  
[3] incorrectly entered the bills of materials  
[4] into Mas?

[5] A. Might have been. But those  
[6] systems that Amtren manufactures has  
[7] anywhere from fifty to a hundred parts  
[8] listed on it. So there may have been.

[9] Q. However, today you don't recall  
[10] any specific incidents?

[11] A. I don't recall a specific  
[12] incident, no.

[13] MR. TRAWICK: Let's take a short  
[14] break. I'm about finished.

[15] (Brief recess.)

[16] MR. TRAWICK: I don't think I  
[17] have anything else. That's it.

[18]

[19]

[20] 3:55 p.m.

[21]

[22]

[23]

FURTHER THE DEPONENT SAITH NOT

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[1] C E R T I F I C A T E

[2]

[3] STATE OF ALABAMA)

[4] COUNTY OF REMORE)

[5]

[6] I hereby certify that the above and  
[7] foregoing deposition was taken down by me in  
[8] stenotype, and the questions and answers  
[9] thereto were transcribed by means of  
[10] computer-aided transcription, and that the  
[11] foregoing represents a true and correct  
[12] transcript of the deposition given by said  
[13] witness upon said hearing.

[14] I further certify that I am neither  
[15] of counsel nor of kin to the parties to the  
[16] action, nor am I in anywise interested in  
[17] the result of said cause.

[18]

[19]

Jennifer Davis, CSR

[20]

[21]

[22] My Commission expires

[23] October 11, 2010